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NOTICE

The undermentioned Gazettes of India Extraordinary were published up to the 4th October 1954:—

Issue No.	No. and date	Issued by	Subject
229	S. R. O. 3160, dated the 29th September 1954.	Ministry of Food and Agriculture.	Fixation of minimum price of Sugarcane during 1954-55 crushing season.
230	S. R. O. 3161, dated the 1st October 1954.	Ministry of Commerce and Industry.	Amendment made in the Second Schedule to the Indian Tariff Act, 1934.
231	S. R. O. 3162, dated the 7th September 1954.	Election Commission, India.	Election Petition No. 20 of 1953.
232	S. R. O. 3178, dated the 4th October 1954.	Ministry of Commerce and Industry.	Amendments made to the By-laws of the East India Cotton Association Ltd., Bombay.
	S. R. O. 3179, dated the 3rd October 1954.	Election Commission, India.	Designation of the Electoral Registration Officer for the Birbhum Serampore and Burdwan Parliamentary Constituencies for the period 2nd October to 14th November 1954.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of this Gazette.

PART II—Section 3

Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

MINISTRY OF HOME AFFAIRS

New Delhi, the 4th October 1954

S.R.O. 3189.—In exercise of the powers conferred by clause (i) of article 143 of the Constitution, the President hereby directs that the Chief Commissioner

of the Andaman and Nicobar Islands shall, subject to the control of the President and until further orders, exercise the powers and discharge the functions of a State Government under section 2 of the Epidemic Diseases Act, 1897 (III of 1897), in relation to the said Islands.

[No. 70/117/54-AN¹]

M. GOPAL MENON, Dy. Secy

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 4th October 1954

S.R.O. 3190.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby directs that the following further amendment shall be made to the Indian Foreign Service Rules, 1954, namely:—

At the end of clause (ii) of sub-rule (b) of rule 22 of the said Rules, the following Note should be inserted, namely:—

“Note.—The reduction in the rate of daily allowance beyond the first five nights shall not be applicable in cases in which daily allowance is allowed in the form of free lodging or free board and lodging plus a cash allowance to meet the cost of subsistence or incidental expenses.”

[No. 587-FSP.]

DEVI DIYAL, Dy. Secy.

New Delhi, the 5th October 1954

S.R.O. 3191.—In exercise of the powers conferred by Section 8 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (XLI of 1948), the Central Government hereby directs that the following amendment shall be made in the Notification of the Government of India in the Ministry of External Affairs No. DCOFR/AM/4, dated the 11th September 1954.

In the said Notification, for the figures, letters and word “30th September 1954” the figures, letters and word “15th October, 1954” shall be substituted.

[No. DCOFR/AM/5.]

I. S. CHOPRA, Jt. Secy.

MINISTRY OF STATES

New Delhi, the 12th October 1954

S.R.O. 3192.—In pursuance of section 3 of the Essential Services (Maintenance) Ordinance, 1941 (XI of 1941) and in supersession of the Notification of the Government of India in the Ministry of States No. 134-J, dated the 7th June, 1952, the Central Government, being of opinion that employment in the Agartala Electric Supply in Tripura is essential for maintaining supplies and services necessary to the life of the community, hereby declares such employment to be employment to which the said Ordinance applies.

[No. 118-J.]

S.R.O. 3193.—In pursuance of sub-section (1) of section 4 of the Essential Services (Maintenance) Ordinance, 1941 (XI of 1941) and in supersession of the Order of the Government of India in the Ministry of States, No. 136-J, dated the 7th June, 1952, the Central Government hereby authorises the Chief Commissioner of the State of Tripura to issue by general or special order, directions under the said sub-section in respect of persons engaged in the employment in the Agartala Electric Supply in Tripura, which employment has been declared by the Notification of the Government of India in the Ministry of States, No. 118-J, dated the 12th October, 1954 to be employment to which the said Ordinance applies.

[No. 119-J.]

J. C. GHOSAL, Under Secy.

MINISTRY OF FINANCE

INSURANCE

New Delhi, the 11th October 1954

S.R.O. 3194.—In pursuance of the provisions of Clauses (a), (c) and (d) of sub-section (2) of section 64F read with sub-section (1) of section 64H of the Insurance Act, 1938 (IV of 1938), the Central Government hereby nominates the following persons to the Executive Committee of the General Insurance Council of the Insurance Association of India, constituted on the dissolution of the Executive Committee mentioned in the notification of the Government of India in the Ministry of Finance No. S.R.O. 711, dated the 15th May 1951, namely—

Chairman [Under clause (a).]

1. The Secretary to the Government of India, Ministry of Finance, Department of Economic Affairs.

Member [Under clause (a).]

2. The Controller of Insurance, Department of Insurance.

Member [Under clause (c).]

3. Shri N. R. Mody, C/o. M/s. A. F. Ferguson & Co., Chartered Accountants, Bombay.

Members [Under clause (d).]

4. Mr. C. R. C. Gardiner, C/o. The New Zealand Insurance Company, Ltd., Bombay.
5. Mr. A. Mabb, C/o. Commercial Union Assurance Company, Ltd., Calcutta.
6. Mr. M. A. Wilkinson, C/o. Atlas Assurance Co., Ltd., Calcutta.
7. Shri A. S. Mani, C/o. Vanguard Insurance Company, Ltd., Madras.
8. Shri M. S. Dastur, C/o. Zenith Assurance Company, Ltd., Bombay.

[No. 105-IF(25)/54.]

S.R.O. 3195.—In pursuance of the provisions of Clauses (a), (c) and (d) of sub-section (1) of section 64F read with sub-section (1) of section 64H of the Insurance Act, 1938 (IV of 1938), the Central Government hereby nominates the following persons to the Executive Committee of the Life Insurance Council of the Insurance Association of India, constituted on the dissolution of the Executive Committee mentioned in the notification of the Government of India in the Ministry of Finance No. S.R.O. 710, dated the 15th May 1951, namely—

Chairman [Under clause (a).]

1. The Secretary to the Government of India, Ministry of Finance, Department of Economic Affairs.

Member [Under clause (a).]

2. The Controller of Insurance, Department of Insurance.

Member [Under clause (c).]

3. Shri H. C. Gutt, C/o. M/s. Gutt, Saheer & Gandhi, Share Brokers, Bombay.

Members [Under clause (d).]

4. Shri L. S. Valdyanathan, C/o. Oriental Government Security Life Assurance Company, Ltd., Bombay.
5. Mr. A. J. Males, C/o. The Prudential Assurance Company, Ltd., Calcutta.
6. Shri V. Venkatachalam, C/o. South India Co-operative Insurance Society, Ltd., Madras.
7. Shri S. C. Roy, C/o. Aryasthan Insurance Company, Ltd., Calcutta.
8. Shri K. R. Puri, C/o. Sunlight of India Insurance Co., Ltd., New Delhi.

[No. 105-IF(25)/54.]

N. C. SEN GUPTA, Dy. Secy.

RESERVE BANK OF INDIA

(Central Office, Bombay)

Bombay, the 25th September 1954

S.R.O. 3196.—In pursuance of the notification of the Government of India the Finance Department No. 12(13)-F1/47, dated the 25th March 1947, the Reserve Bank hereby directs that the following amendment shall be made in the notification of the Reserve Bank of India No. F.E.R.A.10/47-R.B., dated the 25th March 1947, namely:—

In the Schedule to the said notification, after the entry "Thomas Cook & Son (Continental & Overseas) Ltd." the entry "Travancore Bank Ltd." shall be inserted.

[No. F.E.R.A.131/54-R.B.]

B. RAMA RAU, Governo

MINISTRY OF FINANCE (REVENUE DIVISION)**CUSTOMS***New Delhi, the 9th October 1954*

S.R.O. 3197.—In exercise of the powers conferred by sub-section (3) of section 43B of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby makes the following amendments in the Customs Duties Drawback (Embroidered Goods) Rules, 1954, the same having been previously published as required by sub-section (3) of the said section.

Amendments

In rule 5 of the said rules—

- (i) in sub-rule (2), for the word "nominate" the words "authorise in this behalf" shall be substituted; and for the words "Nominated Chief Customs Officer", the words "Authorised Chief Customs Officer" shall be substituted; and
- (ii) in sub-rule (4), for the words "Nominated Chief Customs Officer" the words "Authorised Chief Customs Officer" shall be substituted.

[No. 118.]

JASJIT SINGH, Dy. Secy.

DANGEROUS DRUGS*New Delhi, the 12th October 1954*

S.R.O. 3198.—In pursuance of sub-clause (ii) of clause (g) of section 2 of the Dangerous Drugs Act, 1930 (II of 1930), and article 11 of the International Convention for limiting the manufacture and regulating the distribution of narcotic drugs, signed at Geneva on the 13th July, 1931, and article 1 of the Protocol signed at Paris on the 19th November, 1948, bringing under international control drugs outside the scope of the Convention of 13th July, 1931, which Convention and Protocol supplement the International Opium Convention, signed at Geneva on the 19th November, 1925, the Central Government hereby declares the narcotic substances specified in this notification to be manufactured drugs and directs that the following further amendment shall be made in the notification of the Government of India in the late Finance Department (Central Revenues) No. 2—Dangerous Drugs, dated the 10th January, 1931, namely:—

In the said notification after item 11, the following item shall be added, namely:—

"12. alpha-6-dimethylamino-4, 4-diphenyl-3-acetoxypheptane (alpha-acetyl-methadol) and its salts,

alpha-6-dimethylamino-4, 4-diphenyl-3-heptanol (alpha-methadol) and its salts,

beta-6-dimethylamino-4, 4-diphenyl-3-acetoxyheptane (beta-acetylmethadol) and its salts,

3-dimethylamino-1, 1-di-(2-thienyl)-1-butene and its salts,

3-ethylmorpholino-1, 1-di-(2-thienyl)-1-butene and its salts,

6-methyl 6-desoxymorphine and its salts "

[No. 6.]

M. P. ALEXANDER, Under Secy.

CUSTOMS

New Delhi, the 16th October 1954

S.R.O. 3199.—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby directs that the following further amendment shall be made to the notification of the Government of India in the late Finance Department (Central Revenues) No. 38-Customs dated the 22nd June 1935, namely:—

In the Schedule to the said notification under column 3 headed "Limitations and Conditions", for the entry against Serial No. 62, the following entry shall be substituted, namely:—

"Provided that—

- (i) no drawback has been obtained at the time of exportation;
- (ii) the identity of the re-imported films is established to the satisfaction of the Customs Collector; and
- (iii) they are reimported within six months from the date of their export."

[No. 120.]

S.R.O. 3200.—In exercise of the powers conferred by Section 19 of the Sea Customs Act (VIII of 1878), the Central Government hereby prohibits the taking by sea or by land out of India of butterflies, except when a consignment is accompanied by a certificate from the Honorary Secretary General, Central Board of Wild Life, 34, Chittaranjan Avenue, Calcutta, to the effect that the butterflies are being exported for scientific or educational purposes, or to a recognized private collector of butterflies.

[No. 122.]

S.R.O. 3201.—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby exempts the following natural raw materials for perfumery, namely,—

- (1) dried roses,
- (2) patchouli leaves,
- (3) Musk,
- (4) civet,
- (5) resinoids, and
- (6) ambergris,

being articles falling under item 31(5) of the First Schedule to the Indian Tariff Act, 1934 (XXXII of 1934) and imported into India, from so much of the duty of Customs leviable thereon under the second mentioned Act as is in excess of 31½ per cent. *ad valorem*.

[No. 123.]

E. RAJARAM RAO, Joint Secy.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 1st October 1954

S.R.O. 3202.—In pursuance of sub-section (4) of Section 5 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue directs that the following further amendments shall be made in its Notification No. 32-IT, dated the 9th November 1946, namely:—

In the Schedule appended to the said notification under sub-head 'VII-A-Punjab, Himachal Pradesh, Bilaspur, Patiala and East Punjab States Union'.—

(i) after entry 6 against Ambala Range, the following entries shall be added, namely:—

"7...Special Ward, Simla,

8...Project Circle, Ambala".

(ii) after entry 7 against Amritsar Range, the following entry shall be added, namely:—

"8...Special Ward, Amritsar."

[No. 56.]

New Delhi, the 11th October 1954

S.R.O. 3203.—In exercise of the powers conferred by sub-section (2) of section 5 of the Indian Income-tax Act, 1922 (XI of 1922) and in partial modification of its Notification No. 85-Income-tax, dated the 23rd December 1953, the Central Board of Revenue hereby directs that with effect from the 17th August, 1954 when Shri J. S. A. Raju took over his duties as a Commissioner of Income-tax—

(1) Shri K. S. Sundara Rajan, Commissioner of Incometax shall be designated as Commissioner of Income-tax, Bombay City I and shall perform all the functions of a Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or of such incomes or classes of incomes as are comprised in the existing Income-tax Circles, Wards and Districts, in the areas of Bombay City and Bombay Suburban Districts specified in column 1 of the Schedule hereto annexed, and in respect of such persons or of such cases as may be assigned by the Central Board of Revenue to any Income-tax authority subordinate to him and

(2) Shri J. S. A. Raju, Commissioner of Income-tax shall be designated as Commissioner of Income-tax, Bombay City II and shall perform all the functions of a Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or of such incomes or classes of incomes as are comprised in the existing Income-tax Circles, Wards and Districts, in the areas of Bombay City and Bombay Suburban Districts specified in Column 2 of the said Schedule and in respect of such persons or of such cases as may be assigned by the Central Board of Revenue to any Income-tax Authority subordinate to him;

Provided that each of these Commissioners shall not perform his functions in respect of such persons or of such cases as have been or may be transferred by the Central Board of Revenue to any Income-tax Authority outside his Jurisdictional areas as aforesaid.

SCHEDULE

Commissioner of Income-tax, Bombay City I	Commissioner of Income-tax, Bombay City II
1	2
Companies' Circle I (All Sections)	Companies Circle II (All Sections). Companies Circle IV (All Sections).
Companies' Circle III (All Sections)	Bombay Circle I (E.P.T.)
A—I Ward	Bombay Circle II (E.P.T.)
A—II Ward	Bombay Circle III (E.P.T.)
A—III Ward	B—I Ward

1	2
A—V Ward	B.—II Ward.
C—I Ward	B—III Ward.
C—II Ward	D—I Ward.
C—III Ward	D—III Ward.
C—IV Ward	
Special Survey Circle I	E—Ward.
Special Survey Circle IV	G—Ward.
Special Survey Circle V	Market Ward.
Special Survey Circle VI	Salaries Branch I.
Special Investigation Branch	Salaries Branch II.
Foreign Section	Bombay Refund Circle.
Bombay Suburban District	Non-Residents' Refund Circle.
	Special Survey Circle II.
	Special Survey Circle III.

[No. 57.]

K. B. DEB, Under Secy.

CUSTOMS

New Delhi, the 4th October 1954

S.R.O. 3204.—In exercise of the powers conferred by section 4 of the Land Customs Act, 1924 (XIX of 1924), the Central Board of Revenue hereby directs that the following amendment shall be made in its notification No. 57-Customs, dated the 24th July 1951, namely:—

In the Schedule annexed to the said notification, under the heading "TIRAP FRONTIER TRACT", for the word 'Helgate' in both the places where it occurs, the word 'Nampong' shall be substituted.

[No. 119.]

W. SALDANHA, Secy.

ESTATE DUTY

New Delhi, the 11th October 1954

S.R.O. 3205.—In exercise of the powers conferred by the second proviso to sub-section (2) of section 4 of the Estate Duty Act, 1953 (34 of 1953), the Central Board of Revenue hereby directs that the following amendment shall be made in its Notification No. 7-E.D., dated the 1st June, 1954, namely:—

In the said notification, for the words "the municipal limits of the cities of Delhi and New Delhi", the words "the State of Delhi" shall be substituted.

[No. 16.]

R. K. DAS, Secy.

CENTRAL EXCISE COLLECTORATE, BARODA

CENTRAL EXCISES

Baroda, the 27th September 1954

S.R.O. 3206.—In pursuance of Rule 5 of the Central Excise Rules, 1944, I empower the Assistant Collectors of Central Excise in this Collectorate to exercise within their respective jurisdictions, the powers of a 'Collector' under Rule 224B of the said Rules.

[No. 9.]

R. N. MISRA, Collector.

MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 4th October 1954

S.R.O. 3207.—The notification of the Government of India in the Ministry of Commerce and Industry No. S.R.O. 770 dated the 1st March 1954 published at page 472 in part 2-Section 3, of the Gazette of India, dated the 6th March 1954 is hereby rescinded.

[No. Ind.(B)-33(1)/54.]

S. V. R. CHARI, Under Secy.

New Delhi, the 4th October 1954

S.R.O. 3208.—In exercise of the powers conferred by clause (e) of sub-section (3) of section 4 of the Coir Industry Act, 1953 (45 of 1953), read with clause (e) of sub-rule (1) of rule 4 of the Coir Industry Rules, 1954, the Central Government hereby directs that **Sri K. T. Achuthan, M.P.**, as a member of the Coir Board for representation of the workers in the said Board.

[No. 42-Cot.Ind.(A)(9)/53.]

M. R. MENON, Under Secy.

New Delhi, the 4th October 1954

S.R.O. 3209.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following further amendment shall be made in the Cotton Textiles (Control) Order, 1948, namely:—

In the said Order, for clause 13, the following clause shall be substituted, namely:—

“13. No person shall manufacture or cause to be manufactured any cloth containing any sizing or filling material or both of any description which exceeds in the aggregate twenty per centum of the weight of the cotton in the cloth:

Provided that nothing in this clause shall apply where any such cloth is manufactured under the written authority of the Textile Commissioner for the purpose of export outside India, or any cloth produced for experimental purposes”.

[No. 9(4)-CT(A)/54-7.]

Bombay, the 9th October 1954

S.R.O. 3210.—In exercise of the powers conferred on me by sub-clause (1) of clause 3 of the Cotton Control Order, 1950, I hereby direct that the following amendment shall be made in the Textile Commissioner's Notification No. S.R.O. 2824, dated the 28th August 1954, namely:—

In the Schedule 'B' appended to the said Notification, for the words “Shri Thomas de Sa”, the words and letters “Shri D. N. Mahta” shall be substituted.

M. R. KAZIMI,
Joint Textile Commissioner.

[No. 44(12)-CT(A)/54(iii).]

P. V. S. SARMA, Under Secy

New Delhi, the 8th October 1954

S.R.O. 3211/RLIUR/18/1.—In pursuance of rule 18 of the Registration and Licensing of Industrial Undertakings Rules, 1952 and in supersession of the notification of the Government of India in the Ministry of Commerce and Industry No. S.R.O. 1702, dated the 21st October 1952, the Central Advisory Council of Industries has, at its meeting held on the 28th August 1954, set up a sub-committee consisting of the following members, namely:—

1. Pandit Hirday Nath Kunzru, M.P., *Chairman*.
2. Shri A. Ramaswami Mudaliar, M.P.
3. Shri B. M. Birla.
4. Shrimati Maniben Kara.
5. Shri R. Venkataraman, M.P.
6. Shri B. C. Ghose, M.P.
7. Mr. G. M. Mackinlay.
8. Shri G. Basu.
9. Shri S. R. Vasavada.

2. The functions of the sub-committee will be to review all licences issued, refused, varied, amended or revoked from time to time and to advise Government on the general principles to be followed in the issue of licences for establishing new undertakings or substantial expansion of the existing undertakings.

3. The Secretary of the Central Advisory Council of Industries will be the Secretary of the sub-committee.

[No. 3(5)-IA(G)/54.]

ORDER

New Delhi, the 9th October 1954

S.R.O. 3212/IDRA/5/AM(1).—In exercise of the powers conferred by section 5 of the Industries (Development and Regulation) Act, 1951 (LXV of 1951), the Central Government hereby appoints Shri Asoka Mehta, M.P. 5, Dadysett Road, Bombay, and Dr. S. K. Muranjan, Principal, Sydenham College of Commerce and Economics, Bombay, to be members of the Central Advisory Council of Industries, and directs that the following amendments shall be made in the order of the Government of India in the Ministry of Commerce & Industry, No. S.R.O. 2525, dated the 31st July, 1954 namely:—

In the said notification—

(a) under the heading "To represent the interest of consumers of goods manufactured or produced by scheduled industries", after entry No. 24 relating to Shri R. Venkataraman, the following entry shall be inserted, namely:—

"25. Shri Asoka Mehta M.P. 5, Dadysett Road, Bombay-7.";

(b) entries No. 25 to 29 shall be renumbered as entries No. 26 to 30 respectively; and

(c) after entry No. 30 as so renumbered relating to Shri D. L. Despande under the heading "To represent other interests including primary producers", the following entry shall be inserted, namely:—

"31. Dr. S. K. Muranjan, Principal, Sydenham College of Commerce and Economics, Bombay".

[No. 3(2)-IA(G)/54.]

P. S. SUNDARAM, Dy. Secy.

New Delhi, the 13th October 1954

S.R.O. 3213.—In exercise of the powers conferred by clause (d) of sub-section (3) of section 4 of the Coir Industry Act, 1953 (45 of 1953), read with sub-rule (3) of rule 4 of the Coir Industry Rules, 1954, the Central Government hereby

appoints Mr. R. Nievergelt, Messrs. Volkart Brothers, Cochin, as a member of the Coir Board, vice Mr. R. E. Jones, Messrs. William Goodacre and Sons Ltd., Alleppey, resigned.

[No. 42-Cot. Ind. (A)(9)/53.]

MRS. P. JOHARI, Dy. Secy.

MINISTRY OF FOOD AND AGRICULTURE

New Delhi, the 1st October 1954

S.R.O. 3214.—In exercise of the powers conferred by sub-clause (1) of clause 4 of the Vegetable Oil Products Control Order, 1947, the Vegetable Oil Products Controller for India hereby directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Agriculture, No. S.R.O. 780, dated the 21st October, 1950, namely:—

In the said notification for clause 1, the following clause shall be substituted, namely:—

"1. It shall be prepared by hydrogenation from only such edible harmless vegetable oil or mixtures thereof as are permitted by the Vegetable Oil Products Controller for India."

[No. 4-VP(1)/54/1146.]

P. A. GOPALAKRISHNAN,

Vegetable Oil Products Controller for India.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 1st October 1954

S.R.O. 3215.—It is notified for general information that Shrimati Jerbanu J. Chinoy, having tendered resignation from membership of the Bombay Advisory Panel of the Central Board of Film Censors, the Central Government has accepted the same with effect from 9th October 1954.

[No. 14/3/54-FC.]

S.R.O. 3216.—It is notified for general information that Kumari Nirmala Joshi, having tendered resignation from membership of the Bombay Advisory Panel of the Central Board of Film Censors, the Central Government has accepted the same with effect from the 23rd July 1954.

[No. 14/5/54-FC.]

D. KRISHNA AYYAR, Under Secy.

MINISTRY OF IRRIGATION AND POWER

New Delhi, the 9th October 1954

S.R.O. 3217.—In exercise of the powers conferred by sub-section (1) of section 35 of the Indian Electricity Act, 1910 (IX of 1910) the Central Government hereby appoints Shri S. N. Razdan, Chief Electrical Engineer Madhya Bharat, to be a member of "the Advisory Board on the amendment of the Indian Electricity Act, 1910", and directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Irrigation and Power, No. EL-II-213(4)II, dated the 18th September, 1953, namely:—

In the said notification for the entry relating to Shri B. N. Sibal, the following entry shall be substituted, namely:—

"6. Shri S. N. Razdan, Chief Electrical Engineer, Madhya Bharat."

[No. EL.II-213(4)/III.]

R. R. BAHL, Dy. Secy

ORDER

New Delhi, the 9th October 1954

S.R.O. 3218.—In exercise of the powers conferred by sub-section (3) of section 35 of the Indian Electricity Act, 1910 (IX of 1910), the Central Government hereby directs that the following further amendments shall be made in the Order of the Government of India in the Ministry of Irrigation and Power, No. EL-II-213 (4)/I, dated the 17th September, 1953, namely:—

In the said Order—

- (a) at the end of clause (ii), for the word and figures "17th September, 1954", the word and figures "17th December, 1954" shall be substituted;
- (b) in clause (iv), for the word and figures "17th September, 1954", the word and figures "17th December, 1954" shall be substituted.

[No. EL-II-213(4)/II.]

H. C. GUPTA, Joint Secy.

MINISTRY OF REHABILITATION

ORDER

New Delhi, the 22nd September 1954

S.R.O. 3219.—In exercise of the powers conferred by sub-section (1) of Section 19 of the Evacuee Interest (Separation) Act, 1951 (LXIV of 1951), the Central Government hereby orders that the following cases in respect of composite properties pending before Shri J. H. Mehta, Competent Officer, Bombay, shall stand transferred to Shri M. K. Karmarkar, Additional Competent Officer, Bombay.

- (i) All cases in respect of the composite properties situated in the districts of Ratnagiri and Kolaba; and
- (ii) The following cases in respect of the composite properties situated in the Districts mentioned against them, namely:—

Serial No.	Case No. of the Competent Officer	District
1.	(Bombay) 2,4,6, 8, 10, 20, 22, 24, 30 36, 40, 42, 48, 52, 72, 116, 202, 268, 269, 270, 290, 302, 302, 307, 305, 310, 314, 316, 320, 322, 360, 369, 390, 672, 674, 708, 738, 740, 800, 818, 822, 830, 834, 1072, 1076, 1078, 1079, 1196, 1232, 1260, 1262, 1274, 1288, 1348, 1360, 1376, 1386, 1388, 1390, 1500, 1506, 1514, 1516, 528, 1542, 1554, 1558, 1560, 1562, 1564, 1566, 1602, 1613, 1614, 1616, 1626, 1650, 1652, 1656, 1632, 1634, 1636, 1654, 1658, 1660, 1662, 1664, 1666, 1672, 1678 and 1680.	Bombay & Bombay Suburban District.
2.	(Thana) 604 & 605	Thana.
3.	(North Satara)	North Satara.

[No. 52(4)/52-Prop. I.]

K. J. GEORGE, Under Secy.

MINISTRY OF TRANSPORT

(Transport Wing)

New Delhi, the 30th September 1954

S.R.O. 3220.—In exercise of the powers conferred by sub-section (1) of section 6 of the Indian Ports Act, 1908 (XV of 1908), the Central Government hereby directs that the following further amendment shall be made in the Calcutta Port Rules, published with the notification of the Government of India in the late War

Transport Department, No. 9-P(19)/42, dated the 3rd December 1943, the same having been previously published as required by sub-section (2) of the said section, namely:—

For rule 69 of the said Rules, the following rule shall be substituted, namely:—

'69. *Cargo boat crew.*—(1) Every flat or cargo boat plying in the port shall carry—

- (a) when under way, when in tow or when waiting outside the entrance to the Kidderpore or King George's Docks, the crew laid down in sub-rule (2);
- (b) when waiting empty at moorings laid for sea-going vessels, the crew laid down in sub-rule (2);
- (c) when laid up above Willingdon Bridge, one watchman only.

(2) The crew for a flat or cargo boat—

- | | |
|--|-------------------------|
| (i) not exceeding 10 registered tons shall be | 2 Dandees
1 Manjhi; |
| (ii) exceeding 10 tons but not exceeding 55 tons shall be | 3 Dandees
1 Manjhi; |
| (iii) exceeding 55 tons but not exceeding 80 tons shall be | 4 Dandees
1 Manjhi; |
| (iv) exceeding 80 tons but not exceeding 100 tons shall be | 5 Dandees
1 Manjhi; |
| (v) exceeding 100 tons shall be | 6 Dandees
1 Manjhi." |

T. S. PARASURAMAN, Dy. Secy.

(Transport Wing)

New Delhi, the 4th October 1954

S.R.O. 3221.—In exercise of the powers conferred by section 54 of the Delhi Road Transport Authority Act, 1950 (XIII of 1950), the Central Government hereby directs that the following amendment shall be made in the Delhi Road Transport Authority (Contravention of Regulations) Penalty Rules, 1954, namely:—

For rule 3 of the said Rules, the following rule shall be substituted, namely:—

"3. *Penalty.*—Any person who commits a breach of any of the provisions of the Delhi Road Transport Authority (Carriage of Passengers) Regulations, 1954, shall be punishable with fine which may extend to fifty rupees or in default of payment of the fine, with simple imprisonment which may extend to fifteen days."

C. PARTHASARATHY, Dy. Secy.

MINISTRY OF COMMUNICATIONS

(Posts and Telegraphs)

New Delhi, the 8th October 1954

S.R.O. 3222.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Central Government hereby directs that the following further amendment shall be made in the Indian Telegraph Rules, 1951, namely:—

In the second proviso to sub-rule (1) of rule 439 of the said Rules, for the figures and word "30 miles" the figures and words "30 miles in Calcutta Telephone District and 20 miles in other places" shall be substituted.

[No. R-3-46/54.]

H. C. SHARMA, Under Secy.

MINISTRY OF RAILWAYS**(Railway Board)***New Delhi, the 13th October 1954*

S.R.O. 3223.—In exercise of the powers conferred by section 146 of the Indian Railways Act, 1890 (IX of 1890), the Central Government hereby extends the whole of the said Act, except section 135 thereof, to the tramway between Surendranagar and Wadhwan City.

[No. 642-T.G.]

S. K. GUHA, Joint Director traffic (G)

MINISTRY OF WORKS, HOUSING AND SUPPLY*New Delhi, the 4th October 1954*

S.R.O. 3224.—In exercise of the powers conferred by section 22 of the Requisitioning and Acquisition of Immovable Property Act, 1952 (XXX of 1952), the Central Government hereby directs that the following amendment shall be made in the Requisitioning and Acquisition of Immovable Property Rules, 1953, namely:—

In the said Rules for sub-rule (1) of rule 10, the following shall be substituted, namely:—

- “(1) An arbitrator appointed under clause (b) of sub-section 1 of section 8 shall ordinarily complete the arbitration proceedings and give his award within four months. If for any reason he is unable to give his award within that period, the Central Government may, if it thinks fit, enlarge from time to time, the time for making the award.”

[No. 8273-EII/54.]

K. K. SHARMA, Dy. Secy.

New Delhi, the 11th October 1954

S.R.O. 3225.—In exercise of the powers conferred by section 23 of the General Clauses Act, 1897 (X of 1897), read with sub-section (2) of section 29 of the Petroleum Act, 1934 (XXX of 1934), the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Works, Housing & Supply No. S.R.O. 2631 dated the 4th August, 1954, namely:—

In the said Notification for the words, letters and figures “the 24th August, 1954” the words, letters and figures “the 30th October, 1954” shall be substituted.

[No. S&PII-102(8)/53.]

J. K. ROY, Under Secy.

MINISTRY OF LABOUR*New Delhi, the 8th October 1954*

S.R.O. 3226.—The following draft of certain further amendments in the Industrial Disputes (Central) Rules, 1947, which it is proposed to make in exercise of the powers conferred by section 38 of the Industrial Disputes Act, 1947 (XIV of 1947), is hereby published as required by sub-section (1) of the said section for information of persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration after the 25th October 1954.

Any objection or suggestions which may be received from any persons with respect to the said draft before the date specified will be considered by the Central Government.

Draft Amendments

After rule 16 of the said Rules, the following rules shall be inserted, namely:—

"16A. Description of parties in certain cases.—Where in any proceeding before a Board, Court or Tribunal, there are numerous persons arrayed on any side, such persons shall be described as follows:—

- (1) all such persons as are members of any union or association shall be described by the name of such union or association; and
- (2) all such persons as are not members of any union or association shall be described in such manner as the Board, Court or Tribunal, as the case may be, may determine.

16B. Manner of service in the case of numerous persons as parties to a dispute.—(1) Where there are numerous persons as parties to any proceeding before a Board, Court or Tribunal and such persons are members of any union or association, the service of notice on the Secretary, or where there is no Secretary, on the principal officer, of the union or association shall be deemed to be service on such persons.

(2) Where there are numerous persons as parties to any proceeding before a Board, Court or Tribunal and such persons are not members of any union or association, the Board, Court or Tribunal, as the case may be, shall, where personal service is not practicable, cause the service of any notice to be made by affixing the same to a notice Board at or near the main entrance of the establishment concerned."

[No. LR.1(13)/54.]

New Delhi, the 9th October 1954

S.R.O. 3227.—In exercise of the powers conferred by article 239 of the Constitution, the President hereby directs that, subject to his control and until further orders, the Chief Commissioner of the State of Ajmer shall exercise the powers and discharge the functions of the State Government under the Industrial Employment (Standing Orders) Act, 1946 (XX of 1946), in the said State.

[No. LR.11(15)/54.]

S.R.O. 3228.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from Shri Jasodha Nandan Ghose and 4 others, workmen of the State Railway Collieries.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION NO. 457 OF 1953

(arising out of Reference No. 6 of 1952)

In the matter of an application U/s 33A of the Industrial Disputes Act 1947

PRESENT

Shri L. P. Dave, B.A., L.L.B.—*Chairman*

PARTIES:

1. Shri Jasodha Nandan Ghose, 2. Shri R. R. Kishore, 3. Janab Mod. Ali, 4. Shri Gopeswar Prasad, 5. Shri Ajodhya Prasad, Staff of State Railway Collieries, C/o Shri Balram Roy, General Secretary, Chotanagpur Coalfield Workers Union, Kargali Colliery, P.O. Bermo, (Hazaribagh)—*Complainants*.

Vs.

Chief Mining Engineer, Railway Board, The Administrative Head of the Dept., 1, Council House Street, Calcutta—*Opposite Party*.

APPEARANCES:

Shri Arunendra Nath Tagore, Advocate,

Shri Balram Roy, General Secretary, Chotanagpur Coalfield Workers Union, Kargali Colliery, P.O. Bermo (Hazaribagh)—*For the Complainants*.

Shri S. S. Mukherjea, B.Sc., B.L., Pleader, Dhanbad—For the Opposite Party.

AWARD

This is a complaint under Section 33A of the Industrial Disputes Act.

2. The complainants alleged that the management of the State Railway Colliery Department have fixed their salaries under the Civil Service Rules during the pendency of Reference No. 6 of 1952 though they were railway servants governed by Railway Rules. It was urged that their service conditions were thereby changed; their pay was affected; their increments were stopped and that all this happened during the pendency of Reference No. 6 of 1952 and thereby the opposite party committed a breach of Section 33 of the Industrial Disputes Act and hence the complaint.

3. The opposite party denied the allegations made by the complainants and contended that all the members of the administrative staff and labourers appointed on or before 1st June 1944 were governed by Railway Rules but those appointed after this date were governed by the Civil Service Rules. It was further contended that out of complainants, only J. N. Ghose and Ajodhya Prasad were governed by Railway Rules and the rest by the Civil Service Rules. The pays of the complainants except of Shri J. N. Ghose were re-fixed in 1949-50 according to the Pay Rules, 1947, based on the recommendations of the Central Pay Commission, and they have been drawing the pay accordingly. The pay of Shri J. N. Ghose has not been finalised and he has been drawing his pay according to the scales prescribed before the prescribed scales came into operation. The opposite party has not violated the provisions of Section 33 of the Industrial Disputes Act in any way. It was urged that the complaint should be dismissed.

4. This complaint has been filed by five employees of the State Railway Collieries. It was urged that it was a representative complaint for and on behalf of the whole staff of the State Railway Collieries and that the matter should be decided with respect to all the members of the staff of the State Railway Collieries. I cannot agree with this contention.

5. Section 33A of the Industrial Disputes Act gives a personal right to every workman who is aggrieved by the contravention by the employer of the provisions of Section 33 of the Act. A complaint must be filed by the aggrieved workman himself and not by anyone on his behalf. For instance, a Union cannot file a complaint on behalf of the workmen. Every complaint under Section 33A of the Industrial Disputes Act has to be signed by a person making the complaint. It may then be noted that facts relating to different employees (their original pays, the revision of their pays etc.) may differ and hence it should be necessary that details must be given in respect of each person who alleges that he was aggrieved by the employer's action. It may also be noted that some employees may not be aggrieved by the action of the employer. It may even be that some employees, though they may be aggrieved, may not like or choose to file a complaint. Merely because the complainants alleged that they have filed the complaint on behalf of all members of the staff, it could not be taken that it is a representative complaint. I might also repeat that such a representative complaint is not tenable in law. That being so, I think that the present complaint must be considered only so far as the five persons who have signed it are concerned.

6. In this connection, I was told that I should consider the complaints at least of one B. C. Biswas and one B. C. Chatterji because they had made a complaint on 7th January 1954 about it. These two persons have not made a complaint to this Tribunal. It does appear that some letter was addressed by them on 7th January 1954 to the Manager of the Kargali Colliery and a copy thereof was endorsed to this Tribunal; but this would not mean that they made a complaint to this Tribunal.

7. I was then referred to some applications made by more than 100 employees requesting that they should be included as complainants in the present case. These applications were sent to me in July 1954. There is no provision under which these applications could be granted; for, these persons had a right to file a complaint or complaints themselves and should have done so, instead of asking for being included in the present complaint. Further, even if those applications were to be granted, it would mean that these persons must be deemed to have made a complaint to this Tribunal in July 1954. In this connection, it may be noted that though Section 33A of the Industrial Disputes Act does not lay down the period of limitation during which a complaint under it

should be filed, it does not mean that an aggrieved workman can make a complaint after an indefinite period. It is implicit in the section that the complaint must be made within a reasonable time of the act complained of. The true position would be that a complaint under this Section must be made as far as possible during the pendency of the proceedings and if it is made after each pendency, it should be made within a reasonable time. See the decision of the Labour Appellate Tribunal in the case of General Motors (India) Limited, 1954, Vol. I, L.L.J., p. 676. It is true that this is a case under Section 23 of the Industrial Disputes (Appellate Tribunal) Act, 1950; but that section is similar to Section 33A of the Industrial Disputes Act and the principles laid down in the above case would also be applicable to the present case.

8. The proceedings in Reference No. 6 of 1952 concluded before this Tribunal from 10th November 1953 because the award in Reference No. 6 of 1952 was published in the *Gazette of India* on 10th October 1953. That would mean that the complaint of these persons was filed eight months after the conclusion of those proceedings. There was unreasonable delay on their part and their complaint would have to be dismissed on that ground. On the whole, the case of these employees cannot be considered in the present case.

9. Coming to the complaint of the five persons who have signed the present complaint, it has also been filed after an unreasonable delay. It is filed on 4th December 1953, i.e. almost a month after the conclusion of the above proceedings before this Tribunal. According to the complainant's case, a Fixation Checking Staff had gone to the Railway collieries for the purpose of fixing of pay and the General Secretary of the Labour Union had at that time sent a telegram for the withdrawal of the said staff. This telegram was sent on 13th August 1953 and hence according to the complainants' case the cause of action for this complaint arose at that time. The present complaint is filed about four months after this. No reason has been given as to why it was not filed earlier. It would therefore mean that the present complaint also would fail on this ground of unreasonable delay.

10. Apart from this, it may be noted that the main grievance of the complainants is that their pay scales have been fixed according to the Civil Service Rules and not according to Railway Rules. In this connection, the opposite party has urged that persons appointed on and after 1st April 1944 would be governed by the Civil Service Rules, while persons appointed before that date would be governed by the Railway Rules. The State Railway collieries were formerly under the Ministry of Railways but they were transferred to the Ministry of Industry and Supply (now Ministry of Production) from 1st June 1944. Persons, who are under the Ministry of Production, would be governed by Civil Service Rules; while persons under the Ministry of Railways would be governed by Railway Rules. *Prima facie*, therefore, it could not be said that fixation of pay of employees appointed after 1st June 1944 according to the Civil Service Rules amounted to a change of service conditions. I need not however give a final decision on this point; because the change, if any, was made prior to the commencement of proceedings in Reference No. 6 of 1952.

11. Out of the five complainants before the Tribunal, the pay of J. N. Ghose has not been re-fixed. He is admittedly governed by Railway Rules. Till his pay is re-fixed, he could not have any grievance, because it could not be said that his service conditions were changed. The pays of the other four complainants were re-fixed at different dates between 1948 and 1951. The pay of R. R. Kishore was re-fixed on 29th December 1948 retrospectively from 1st January 1947. The pay of Ajodhya Prasad was re-fixed on 28th December 1951 retrospectively from 16th August 1947. The pay of Mohammad Ali was similarly fixed on 14th August 1949 retrospectively from 1st January 1947. That is, in these cases, the actual re-fixation took place on 29th December 1948, 28th December 1951 and 14th August 1949 respectively. Admittedly at that time, Reference No. 6 of 1952 was not pending before this Tribunal and it could not be said that the service conditions of these complainants were changed during the pendency of Reference No. 6 of 1952 by revising their pays.

12. It is true that audit party known as Fixation Checking Staff went to the Railway Collieries in August 1953 and checked whether the new pays were properly fixed in respect of different employees. This however would not mean that the pays were fixed in August 1953. The endorsements made by the Checking party showing that the fixation was checked and was found correct would only mean that they had seen whether the fixation, which had already been made prior to their going there, was proper or not. The service sheets of the above complainants clearly show that their pays were revised on the dates mentioned above. I might repeat that the pays were revised retrospectively from 1st

November 1947 and 16th August 1947. But it is not this date which is important but it is the date on which the orders of re-fixation were passed which will be important. These orders of re-fixation were passed, as I said above, on 29th December 1948, 28th December 1951 and 14th August 1949 respectively in the case of the complainants R. R. Kishore, Ajodhya Prasad and Mohammad Ali. If they had any grievance regarding the re-fixation of their pay, it arose on those dates. If the service conditions of the complainants were changed by applying the Civil Service Rules to them and not Railway Rules, it was from these dates. At that time, proceedings in Reference No. 6 of 1952 had not commenced and it could not by any stretch of imagination be said that the conditions of these complainants were altered during the pendency of Reference No. 6 of 1952.

13. So far as the complainant Gopeshwar Prasad is concerned, he joined service from 1st October 1947, that is, after 1st January 1947 from which date the scales of pay as revised under the recommendations of the Central Pay Commission were made applicable. In his case also, an order about his grade and increment was passed on 1st October 1951 and at that time proceedings in Reference No. 6 of 1952 had not commenced. Even if he was aggrieved by the above order, it could not be said that the opposite party had committed a breach of Section 33 of the Industrial Disputes Act.

14. Thus even if the revision of pay of the complainants (except J. N. Ghose) amounted to a change of service conditions, the said change was not made during the pendency of proceedings in Reference No. 6 of 1952 but it had been made long before the commencement of those proceedings. There was thus no breach of Section 33 of the Industrial Disputes Act and hence no complaint under Section 33A would be maintainable. So far as J. N. Ghose is concerned, his pay as I said above, has not yet been revised and his complaint is premature.

15. It was then argued that the complainants were denied the privileges of free pass and other facilities which were formerly being given to them as Railway employees, and that this also amounted to a change of service conditions. No allegation of this sort has been made in the complaint; further there is nothing to show as to when these privileges were denied to the complainants. These privileges may or may not have been claimed by the complainants or may or may not have been denied to them or may have been denied to them prior to the commencement of proceedings in Reference No. 6 of 1952. In the absence of any allegation on this point either in the complaint or in the evidence, it cannot be considered.

16. On the whole, I hold that there has been no breach of Section 33 of the Industrial Disputes Act. That being so, the present complaint fails and is dismissed.

I pass my award accordingly.

The 20th September 1954.

(Sd.) L. P. DAVE, *Chairman,*
Central Government's Industrial Tribunal, Dhanbad.

[No. LR.2(365)/I.]

S.R.O. 3229.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from Shri Md. Mohibullah, a workman of the Bhadua, Karhurbaree Colliery.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION No. 273 of 1953

(arising out of Reference No. 6 of 1952)

In the matter of an application U/s 33A of the Industrial Disputes Act 1947

PRESENT

Shri L. P. Dave, B.A., L.L.B.—*Chairman.*

PARTIES

Md. Mohibullah, Miners Time Keeper, Bhadua, Kurhurbaree Colliery, P.O. Giridih, Dt. Hazaribagh—*Complainant*.

Vs.

The Superintendent of Collieries, P.O. Giridih, Dt. Hazaribagh—*Opposite Party*.

APPEARANCES.

Shri K. C. Banerjee, Advocate, Dhanbad, and Shri K. R. Saran, Advocate, Dhanbad—*For the complainant*.

Shri S. S. Mukherjee, B.Sc., B.L., Pleader, Dhanbad—*For the Opposite Party*.

AWARD

This is a complaint under Section 33A of the Industrial Disputes Act.

2. The complainant alleged that the opposite party discharged him on 24th July, 1953 during the pendency of Reference No. 6 of 1952 without the express permission of this Tribunal and thereby committed a breach of Section 33 of the Industrial Disputes Act.

3. The opposite party urged that the complainant was found asleep while on duty on the night between 30th November, 1950 and 1st December, 1950. A fire broke out in the mine and smoke was profusely coming out of the incline close to the cabin where the complainant was on duty. The complainant could not give timely intimation of the outbreak of fire as he was asleep, and as a result the fire became uncontrollable. A charge sheet was served on him on 2nd December, 1950 and he was suspended. He replied to the charge sheet on 5th December, 1950. The manager of the colliery found the charge established and recommended his discharge. The Chief Mining Engineer came to the same conclusion and ordered his dismissal.

4. It is an admitted fact that the complainant was working as miners' Time Keeper in the Bhadua incline of the Kurhurbaree colliery belonging to the State Railways. He was on duty on the night between 30th November, 1950 and 1st December, 1950. It is an admitted fact that fire broke out in the above mine that night. The opposite party alleges that profuse smoke was coming out from the mouth of the incline as a result of the fire and the complainant would ordinarily have seen it; but he was asleep and that is why he did not see the smoke or give information about it. A charge sheet was served on him and he was also suspended. He gave a reply to this charge sheet denying that he was asleep on duty. He alleged that his cabin was at a distance of 100 feet from the mouth of the incline and due to darkness he could only see vapour coming out from the mouth of the incline as was usual during winter. No enquiry of any sort appears to have been held by the manager or by any other officer in this connection. On 29th May, 1951 the Manager wrote a letter to the Superintendent of Collieries that it had been established that the complainant was sleeping whilst on duty. He therefore recommended the complainant's discharge from service. The Superintendent of Collieries agreed with the view of the colliery Manager and made a similar recommendation to the Chief Mining Engineer, who accordingly gave his sanction. He also mentioned that the discharge order should be given effect to after an appeal, which was then pending before the Labour Appellate Tribunal (to which the State Railway collieries were parties); was disposed of. On 6th November, 1952 a notice was issued to the complainant to show cause why he should not be dismissed. The complainant made a representation against this on 11th November, 1952; but the Chief Mining Engineer replied that the offence was definitely established and his appeal could not be entertained. He was ultimately discharged from 24th July, 1953. At that time, Reference No. 6 of 1952 was pending before this Tribunal and the opposite party committed a breach of Section 33 of the Act by discharging the complainant without obtaining permission from this Tribunal.

5. As I said above, the charge against the complainant is that he was found asleep while on duty on the night between 30th November 1950 and 1st December 1950. No enquiry of any sort was held by any officer in the matter. From the fact that he did not give any information about the fire, it was inferred that he must have been asleep. It is to be remembered that he was working as a Time Keeper and as such he had to sit in a cabin at a distance of 100 feet to 150 feet from the mouth of the incline and to mark the attendance of the miners when they went down the mine and again when they came out. The opposite party urges that fire had started in the return air way and the smoke could not come

out except out of the incline mouth; and hence if the complainant had been awake, he would have seen the smoke and learnt about the fire and given intimation about it. The complainant's allegation is that he did not see any smoke; but he saw only vapour which appeared to be like mist and that such mist was usually visible at that time as it was winter. It is to be remembered that it was a dark night. It has also to be borne in mind that the cabin where the complainant was to sit was at a distance of 100 feet from the mouth of the incline. There was no light at the mouth of the colliery and it is not unlikely that a person may not be able to see the smoke coming out from that mouth in a dark night at such a distance. It may also be noted that there is no evidence to show as to when the fire started or when the smoke started coming out, or as to whether the smoke was profusely coming all along. Merely from the fact that the complainant did not see any smoke and give information about the fire, it could not be inferred that he must have been asleep while on duty. I would go even a step further and state that the complainant may have closed the cabin because it was winter and because of this he may not have been able to see smoke but this could not necessarily mean that he was asleep.

6. The opposite party has examined one Shri Arun Kumar Dutta who was then working as Supervisor in Charge of the night shift. He has said that he learnt about the fire and thereupon he went to the incline mouth and found that the complainant had bolted the cabin from inside; he knocked at the door and thereupon the complainant came out. He has further said that from the facial expression of the complainant, he thought that the complainant must have been asleep. He further says that he gave information to the manager about this in the morning. I am not prepared to accept the evidence of Shri Dutta. It is easy for any person to come forward after four years and say that he had gone there and had seen that the complainant had bolted the door from inside and that he thought from the facial expression of the complainant that the complainant was asleep. He gave no written report about this at any time. If the complainant was really asleep, I am sure that Shri Dutta would have made a written report about it to the manager. Shri Dutta's statement was never recorded by any one at any time. It is true that Shri Dutta now says that he orally informed the Manager about this in the morning and he also adds that the complainant was present at that time. I do not believe him. Shri Dutta is not able to remember many other things but he is able to remember not only that he told the manager a particular thing at a particular time but even the fact that the complainant was present at that time. I might repeat that Shri Dutta had never made any written report nor was his statement ever recorded. It may also be noted that at no time was Shri Dutta's name mentioned as being the person who had mentioned a particular fact to the manager or the like. I am not impressed with the evidence of Shri Dutta and I do not believe it.

7. I may then point out that if Shri Dutta had told the manager in the presence of the complainant that he had found the complainant having bolted the door from inside (and he thought that the complainant must have asleep), these facts would have been mentioned in the charge sheet. No mention has been made in the charge sheet about the door having been bolted nor is Shri Dutta's name mentioned as having found the complainant asleep.

8. Shri Mukherjee, on behalf of the opposite party, argued that an "on the spot inquiry" has been referred to in the show cause notice dated 6th November 1952. This notice was issued by Shri Tooley who was the Colliery Manager at the time of the notice; while at the time of the occurrence, Shri Ohri was the Colliery Manager. There is nothing from which Shri Tooley could have said that there had been an "on the spot inquiry" or that it was established therefrom that the complainant was sleeping while on duty. In the letter written by Shri Ohri to the Colliery Superintendent on 29th May 1951 he has not mentioned anything about the "on the spot inquiry" nor has he stated as to from what facts it has been established that the complainant was sleeping while on duty. On the contrary, he has mentioned "that it would appear from his explanation that he did not notice any smoke coming out of the incline although it is a fact that profuse smoke was actually coming out of the incline mouth." This would go to show that it was an inference on the part of Shri Ohri that the complainant must have been asleep. Shri Ohri must have thought that if the complainant was not asleep, he would have certainly noticed smoke. This would go to show that the allegation about an "on the spot enquiry" made more than a year after the occurrence and the present allegation about Shri Dutta having gone to the cabin of the complainant and found it bolted from inside, etc. are all an after thought and are probably made with a view to support an accomplished fact of discharge. I might repeat that I am not impressed with the evidence of Shri Dutta and do not place any reliance on it.

9. I have already pointed out above that the mere fact that the complainant did not notice any smoke does not necessarily mean that he must have been asleep. It is quite possible that there may not have been much smoke when the fire started and that the smoke may have become profuse after the news about the fire had already been known to all concerned. In my opinion, the finding of the management that the complainant was asleep on duty was perverse and that they had no evidence before them from which they could come to this conclusion.

10. It was argued by Shri Mukherjee that there has been no allegation of want of *bona fides* on the part of Shri Ohri or on the part of Shri Dutta and hence their above statements must be accepted. It is true that there has been no allegations of want of *bona fides*; but merely because there was no want of *bona fides*, it cannot mean that the order passed in the case must be accepted as correct or proper. Shri Ohri has not appeared in the witness box and we do not know on what basis he drew his conclusion about the complainant being asleep. His letter to the Colliery Superintendent as I mentioned above, would go to show that he only inferred this from the fact that the complainant had not seen any smoke. Shri Dutta may now be giving a particular kind of evidence to support an accomplished fact. It is also possible that when a serious fire had broken out, the officers on the spot may have thought that they must fix some responsibility on some one and it is not unlikely that the complainant may have been a victim thereof.

11. On the whole, I think that the allegation that the complainant was asleep on duty could not be held proved and the order of his discharge is therefore improper. The said order is therefore set aside and it is ordered that the complainant should be reinstated in his original post, and he should be paid his full wages and other benefits as if he was on duty all along from the date of his suspension less any amount or amounts, if paid to him for this period. These arrears of pay etc. should be paid to him within one month from the award becoming enforceable.

I pass my award accordingly.

The 21st September 1954.

(Sd.) L. P. DAVE, Chairman,
Central Government's Industrial Tribunal, Dhanbad.

[No. IR-2(365)/II.]

New Delhi, the 12th October 1954

S.R.O. 3230.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Ernakulam, in the industrial dispute between Messrs. Travancore Mineral Concern, Chavara, Messrs Hopkin and Williams (Trav.) Ltd., Chavara and Messrs. F. X. Pereira and Sons (Trav.)—Quilon, on the one hand and their workmen on the other hand.

IN THE INDUSTRIAL TRIBUNAL (CENTRAL), ERNAKULAM.

PRESENT

Sri C. Sankara Menon, B.A., B.L.—Sole Member.

INDUSTRIAL DISPUTE No. 1/54 (CENTRAL)

In the matter of the industrial dispute

BETWEEN

1. Messrs Travancore Mineral Concern, Chavara.
2. Messrs Hopkin & Williams (Trav.) Ltd., Chavara.
3. Messrs F. X. Pereira & Sons (Trav.) Ltd., Quilon.

AND

Their Workmen.

APPEARANCES:

General Manager, Messrs. Travancore Mineral Concern, Chavara—For Messrs. Travancore Mineral Concern, Chavara.

Sri V. K. Krishna Menon, Bar-at-Law, Advocate, Ernakulam—For Messrs. Hopkin and Williams (Trav.) Ltd., Chavara.

F. X. J. Pereira, Esq., Director, Messrs F. X. Pereira & Sons (Trav.) Ltd., Quilon—For Messrs. F. X. Pereira & Sons (Trav.) Ltd., Quilon.
Sri P. K. Divakaran, Secretary, Travancore Mineral Workers Union, Chavara—For Workmen.

AWARD

The Government of India by their Order LR-2(67)54 in the Ministry of Labour dated 31st July 1954 constituted an Industrial Tribunal with me as the Sole Member thereof for the adjudication of certain disputes in certain ilmenite concerns of this State and referred the following points of dispute to me for adjudication:—

1. Basic wages and dearness allowance.
2. Increments.
3. Bonus.
4. Conversion of all workers into monthly rated workers.
5. Abolition of contract system.
6. Holidays and leave with pay.
7. Provident Fund and gratuity schemes.
8. Introduction of Wind Table.
9. Revision of night allowance.

The industries concerned in the dispute are three in number, namely, (1) Messrs Travancore Mineral Concern, Chavara (2) Messrs Hopkin & William (Trav.) Ltd., Chavara and (3) Messrs F. X. Pereira & Sons (Trav.) Ltd., Quilon.

On receipt of the above order the parties concerned were directed to put in clarification statements regarding the points in dispute and the matter was posted for hearing to 23rd August 1954 at the Head Quarters of this Tribunal. When the case was taken up for hearing on 23rd August 1954 Messrs Hopkin & William (Trav.) Ltd., Chavara put in a petition stating that the dispute between them and their employees had been settled out of court and prayed that an award might be passed in terms of that settlement. They also produced the agreement entered into between them and their employees. Messrs. Travancore Mineral Concern, Chavara also put in a petition stating that the dispute in their industry had also been squared up and that an award might be passed in terms of that agreement. The agreement not having been produced on that day time was granted till 31st August 1954 for producing the agreement. Messrs F. X. Pereira and Sons (Trav.) Ltd., Quilon requested for time to put in their statement and time was granted to them till 6th September 1954. On 31st August 1954 Messrs. Travancore Mineral Concern, Chavara put in the agreement entered into between them and the workmen and the case was put off to 6th September 1954 for the written statement of Messrs. F. X. Pereira & Sons (Trav.) Ltd., Quilon. On 6th September 1954 Messrs. F. X. Pereira and Sons also stated that the dispute between them and their employees had been compromised and prayed for an award in terms of the agreement which was also filed along with a petition. As all the parties accepted and admitted the agreements produced in court I accept the agreements as genuine and award as follows:—

1 and 2. *Basic wages, Dearness allowance and Increments.*—The daily paid muster roll workers of all the three concerns will have a flat increase of annas 2 in their basic wages subject to a minimum of Re. 1 per day. The dearness allowance will continue to be Rs. 1-4-0 per day. All contract workers, if there are any, will be given an increment of 15 per cent. of their basic wages with effect from 1st July 1953.

3. *Bonus.*—For the purpose of calculation of bonus 25 per cent. of the dearness allowance will be added on to the basic wages and 25 per cent. of the amount so worked out will be paid as bonus for the year 1953.

4. *Conversion of all workers into monthly rated workers.*—This point is left open.

5. *Abolition of contract system.*—The contract system should be abolished to the extent possible.

6. *Holidays and leave with pay.*—All workmen on the muster roll of the concerns will get all the leave privileges under the Mines Act in addition to the existing leave privileges. With regard to the contract workers on the Muster roll of the contractors of Messrs. Hopkin & William (Trav.) Ltd., Chavara and Messrs.

F. X. Pereira & Sons (Trav.) Ltd., Quillon in the mining area paid holidays will be increased from 5 to 10.

7. *Provident Fund and Gratuity Schemes.*—Provident Fund scheme will be instituted with effect from 1st July 1954 for all employees on the muster roll both daily paid as well as monthly paid in Messrs. Hopkin and William (Trav.) Ltd., Chavara and Messrs. F. X. Pereira and Sons (Trav.) Ltd., Quillon. The workers will contribute 1 anna in the rupee on the basic wages every month and the management will contribute an equal amount. There will also be a gratuity scheme from 1st July 1954 for all muster roll workers of these two companies. The workers will be entitled on termination of service to a gratuity at the rate of 1 month's basic wages for every year of continuous service subject to a maximum to be fixed by mutual agreement. Only those workers whose services are dispensed with on or after 1st July 1954 will be eligible for gratuity.

8. *Introduction of Wind Table.*—This is not pressed and is left open.

9. *Revision of night allowance.*—The night allowance or the stimulant allowance as it is called will be increased from As. 4 to As. 5 for all company as well as contract workers with effect from 1st July 1954. In the case of Messrs. Hopkin & William (Trav.) Ltd, Chavara alone the stimulant allowance of As. 4 per head for the night shift workers paid to the plant workers will be extended to all connected contract workers engaged in the 3rd shift, namely, Final Ilmenite Carrying Workers, Waste Removal Workers and Raw Sand Trucking Workers with effect from 19th November 1952 and the arrears will be disbursed before the Onam Holidays. The salaries of mechanical and electrical workers of Messrs Hopkin & William and Messrs. Travancore Mineral Concern will be devised with effect from 1st July 1954 and the incumbents concerned will be fitted to the respective scales in such a way that they are fixed in the next incremental stage as shown in Statement A hereto attached.

Copies of the agreements referred to above are appended as appendices A to C.

(Sd.) C. SANKARA MENON, Sole Member,

The 6th September 1954.

Industrial Tribunal, (Central).

[No. LR-2(67)/54.]

STATEMENT A

Revised scale of pay sanctioned.

Officers

1. Chemist	Rs. 200—10—400.
2. Engineer	Rs. 250—20—550.
3. Plant Superintendent	Rs. 250—20—550.
4. Works Managers	Rs. 200—10—300.

Staff

5. Office Superintendent	Rs. 150—10—250.
6. Head Clerk	Rs. 80—10—160.
7. Assistant Accountants	Rs. 80—10—160.
8. Clerks, Cashiers, Typists, Time Keeper, Assistant Typist, Assistant Store Keeper, Shipping Clerk	} Rs. 30—3—45—5—120.
9. Pcons & Watchers	
	Rs. 30—3—60.

Plant Section.

1. Foreman, Charge man	Rs. 80—5—120—10—200.
2. Supervisors	Rs. 50—5—80—10—150.
3. Maistries & Tally clerks	Rs. 30—3—60.

Laboratory Section

1. Assistant Chemist	Rs. 80—5—120—10—200.
2. Samplers	Rs. 45—5—90.

Stores Section

Store Keeper	Rs. 45—5—75—10—125.
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Medical Section

1. Sweeper, Scavanger, Water carrier Rs. 25—3—55.
2. Compounder Rs. 45—5—90.

Plant Section

1. Machine Minders & Fitters Rs. 40—5—100.
2. Table Repairers Rs. 20—3—50.

Workshop Section

1. Foreman Rs. 80—5—120—10—200.
2. Turner Rs. 45—5—120.
3. Assistant Turner Rs. 30—3—45—5—75.
4. Welder Rs. 45—5—120.
5. Masons Rs. 40—5—100.
6. Carpenters Rs. 40—5—100.
7. Blacksmiths Rs. 40—5—100.
8. Boat Driver Rs. 30—3—45—5—100.
9. Draftsman Rs. 45—5—100.
10. Masonry Workers Rs. 20—3—50.
11. Blower Boy Rs. 30—3—60.
12. Workshop Workers Rs. 20—3—50.
13. Painter Rs. 30—3—60.

Electrical Section

1. Head Electrician Rs. 80—5—120—10—150.
2. Shift Electricians Rs. 40—5—100.
3. Switch Board Attenders Rs. 30—3—60.

Laboratory Section

- Laboratory Attender Rs. 20—2—30—3—45.

Store Section

- Store Attender Rs. 20—2—30—3—45.

(Sd.) C. SANKARA MENON, Sole Member,
Industrial Tribunal (Central).

APPENDIX A

An agreement made this, the Second day of August one thousand nine hundred and fifty four between Mr. BABY JOHN as President of the Travancore Minerals Workers Union and the Minerals Mechanical & Electrical Workers Union, Chavara, and Mr. A. C. Webster, Manager, Messrs. Hopkin and Williams (Travancore) Limited, Chavara, at the Office of the Company.

Whereas the workers in the Travancore Minerals Workers' Union had gone on Strike.

And whereas the demands of the Union, as contained in their memorandum dated 5th May, 1954 and 23rd June 1954, have been discussed in detail between the Manager and the President of the Union.

It is hereby agreed as follows:—

- (1) The daily paid muster roll workers to have a flat increase of 2 as. (Two annas) subject to a minimum of One Rupee.
- (2) For the purposes of calculation of Bonus, 25 per cent. of the Dearness Allowance will be added on the Basic Wage. 25 per cent. of the amount so worked out will be paid as Bonus for the year 1953.
- (3) Workers to get leave Privileges under the Mines Act in addition to the existing leave privileges. This will apply only to the daily rated Muster Roll Employees, of the Company.
- (4) Wages for the days of Strike will be paid at a flat rate of Rs. 1-3-0 per day for workers irrespective of wage difference.
- (5) Contract system to be abolished to the extent possible.
- (6) (a) The stimulant allowance of 4 (four) annas per head for the 3rd shift workers paid to the Plant Workers will be extended to all connected Contract workers engaged in the 3rd shift, namely, Final Ilmenite Carrying Workers, Waste Removal Workers, and Raw Sand Trucking Workers with effect from 19th November 1952. The arrears will be disbursed before the Onam Holidays.

- (b) The stimulant allowance will be increased from 4 (four) annas to 5 (five) annas for all, Company as well as Contract Workers with effect from 1st July, 1954.
- (7) Mining Area workers who are at present getting 5 (five) paid holidays will hereafter get 10 (ten) paid holidays. This will apply only to the Mining Area Workers on the Muster Roll of the Contractors and not to casual workers engaged by the Contractors for the collection of washings. This will have immediate effect and will apply to current Contract.
- (8) For all employees on the Muster Roll both daily paid as well as monthly paid a Provident Fund Scheme will be instituted with effect from 1st July 1954. The workers will contribute one anna in the Rupee on basic wages monthly and the Management will contribute an equal amount.
- (9) With effect from 1st July 1954, a Gratuity Scheme will be introduced for all Muster Roll Workers of this Company. A worker will be entitled on termination of service to a gratuity calculated at the rate of one month's basic wage for each year of continuous service subject to a maximum to be fixed. Only whose services have been dispensed with on or after 1st July 1954 will be eligible for gratuity.
- (10) The 15 per cent. (Fifteen per cent.) increase in wages to Contract workers agreed *vide* Agreement dated 31st July, 1954, will be paid to the various Contract workers as mentioned in the schedule attached hereto.

Mechanical and Electrical Workers Union

The basic wages of the Workmen under the Mechanical and Electrical Workers Union will be revised effective from 1st July 1954 and the incumbents concerned will be fitted into the respective scales (as per statement attached herewith) with the benefit of an increment in such a way that they are fixed in the incremental stage.

(Sd.) MR. A. C. WEBSTER, Manager,

M/s. Hopkin & Williams (Trav.) Ltd., Chavara.

(Sd.) MR. C. BABY JOHN, President,

The Minerals Workers' Union
and

The Minerals Mechanical & Electrical
Workers' Union, Chavara.

SCHEDULE REFERRED TO IN AGREEMENT DATED 2ND AUGUST 1954

BETWEEN

The President, Travancore Mineral Workers Union

AND

The Manager, Hopkin & Williams (Travancore) Limited, Chavara.

15% Increase in Wages to contract workers effective from 1st July 1953.

1. Removal of Waste by Trucks :

1 (one anna) per Truck of 27 Cubic Feet.

2. Removal of Final Ilmenite :

	Rs.	
Godown No. 1	0 1 6	(one anna six pies per ton).
Godown No. 2	0 1 9	(one anna nine pies per ton).
Godown No. 3.	0 1 11	(one anna eleven pies per ton).

The rates for No. 6 and 9 Godowns being fixed in 1953 and 1954 respectively no increase is sanctioned.

3. *Trucking Raw Sand to the Elevator Pit.*

o 1 3 (one anna three pies per truck of 27 c.ft.)

4. *Mining :*

Drying of Raw Sand

o o 6 (six pies per ton).

Trucking

o 2 5 (Two annas five pies per truck of 27 c. ft.)

Valloam Hire :

Pandarathuruthu & Cheria Azhikkal

o. 1 9 (One anna nine pies per ton).

Vellanathuruthu & Panmana

o 1 4 (One anna four pies per ton).

Loading in Mining Areas :

Vellanathuruthu & Panmana

o 1 o (One anna per ton).

Pandarathuruthu & Cheria Azhikkal

o 1 9 (One anna nine pies per ton).

Unloading from Walloms to Godowns and Sheds

o 1 2 (one anna two pies per ton.)

(Sd.) A. C. WEBSTER, Manager,

(Sd.) BABY JOHN, President,

Hopkin & Williams (Travancore) Ltd. Chavara.

Travancore Minerals Workers' Union, Chavara.

the 2nd August, 1954.

APPENDIX B

Memorandum of Agreement between Sri V. V. Joseph, I.A.S., Secretary to Government, Development Department, as Head of the Department in respect of Travancore Minerals Concerns and Sri Baby John, M.L.A., President, Mineral Workers' Union, Chavara, and Minerals Mechanical and Electrical Workers' Union, Chavara.

Whereas the workers in the two Unions mentioned above have gone on strike.

And whereas the demands of the Unions have been discussed in detail between the Secretary to Government and the President of the Unions.

It is hereby agreed as follows:—

- (i) Workers to have a flat increase of As. 2 subject to a minimum of one rupee per day.
- (ii) For purposes of calculation of bonus, 25% of the D. A. will be added on to the Basic wage. 25% of the amount so worked out will be paid as bonus to all employees.
- (iii) Contract system to be abolished to the extent possible.
- (iv) Workers to get leave privileges under the Mines Act in addition to the existing leave privilege.
- (v) Action will be expedited on the demand of the workers for the 15 per cent. increment granted in T.M.C. 1 being granted to the workers of Hopkin & Williams and T.M.C. 2 and 3, too.
- (vi) Regarding the recent decision of Government that recruitment to T.M.C., will hereafter be through the Employment Exchange, Government will be prepared to reconsider the decision. A list of former Minerals workers will be prepared according to length of service and recruitment will hereafter be from this list according to service.
- (vii) A.M.C. arrears will be paid without any unnecessary delay.
- (viii) Those workers in A.M.C. who are not absorbed on account of mechanisation will be either given alternative work or decompensation as per award.
- (ix) Wages for the days of strike will be paid at a flat rate of Re. 1-3-0 per day for workers irrespective of wage differences.
- (x) The salaries of the Minerals Mechanical & Electrical Workers will be revised as per statement A.
- (xi) The incumbents concerned with the benefit of an increment in the next incremental scale shall be fixed on the respective scales so that they are fixed

On the basis of this agreement, Sri Baby John, President of both the Unions undertakes to call off the strike and resume work with effect from the morning of 28-7-1954.

(Sd.)

S. G. (Development)
22-7-1954.

(Sd.) BABY JOHN.
22-7-1954.

APPENDIX C
BEFORE THE HONOURABLE INDUSTRIAL TRIBUNAL, ERNAKULAM
IN DISPUTE No. 1/54 (CENTRAL)
PETITIONERS

The workmen of—

- (1) Messrs Travancore Minerals Concerns, Chavara.
- (2) Messrs Hopkin & Williams (Travancore) Ltd., Chavara.
- (3) Messrs F. X. Pereira & Sons (Travancore) Ltd., Quilon.

Represented by the Travancore Mineral Workers Union, Chavara.

COUNTER PETITIONERS

- (1) Messrs Travancore Mineral Concerns, Chavara.
- (2) Messrs Hopkin & Williams (Travancore) Ltd., Chavara.
- (3) Messrs F. X. Perela & Sons (Travancore) Ltd., Quilon.

Compromise Petition filed before the Honourable Industrial Tribunal, Ernakulam.

We, the third party namely Messrs F. X. Pereira & Sons (Travancore) Ltd., in the dispute between

- (1) Messrs Hopkin & Williams (Travancore) Ltd., Chavara.
- (2) Messrs F. X. Pereira & Sons (Travancore) Ltd., Quilon.

AND

their workmen

have compromised the issues in the dispute between us and our workmen on the following lines:—

Issue No. 1—Basic Wages and Dearness allowances.—Basic wage will be from 1st July 1954 Re. 1/- per day. The Dearness allowance will continue to be Rs. 1/4/- per day.

Issue No. 2—Increments.—There will be a flat increment of As. 2/- (Annas two) per head subject to the above minimum of Re. 1/- per day.

All contract workers will be given an increment of 15% of their wages with effect from 1st July 1953.

Issue No. 3—Bonus.—For purpose of the calculation of Bonus 25% of the Dearness allowance will be added on to the Basic wage and the bonus will be 25% of this amount so worked out.

Issue No. 4—Conversion of all workers into monthly rated workers.—This issue is left open.

Issue No. 5—Abolition of contract system.—Contract system to be abolished to the extent possible.

Issue No. 6—Holidays and Leave with pay.—Workers will get Leave Privileges under the Mines Act in addition to the existing leave privilege. For contract workers on the Muster roll of the contractors in the Mining area paid holidays will be increased from 5 to 10.

Issue No. 7—Provident Fund and Gratuity Scheme.

(a) *Provident Fund.*—All employees on the Muster Roll both daily paid as well as monthly paid, a Provident Fund Scheme will be instituted from 1st July 1954. The workers will contribute one anna in the Rupee on basic wages monthly and the Management will contribute an equal amount.

(b) *Gratuity.*—With effect from 1st July 1954, a gratuity scheme will be introduced for all Muster roll workers of the company. A worker will be entitled on termination of service to a gratuity calculated at the rate of 10% of basic wage for each year of continuous service to be fixed. Only those workers whose

services are dispensed with on or after 1st July 1954 will be eligible for gratuity.

Issue No. 8—Introduction of wind table.—This is left open.

Issue No. 9.—Revision of Night Allowance.—The Stimulant allowance will be increased from As. 4 (Annas four) to As. 5 (Annas five) for all company as well as contract workers with effect from 1st July 1954.

(Sd.) N. SREEKANTAN NAIR, Vice President, (Sd.) F. X. J. PEREIRA, Director,
The Travancore Mineral Workers Union, F. X. Pereira & Sons (Trav.) Ltd.

Quilon dated 2nd September 1954.

(True copies)

(Sd.) C. SANKARA MENON, Sole Member,

Industrial Tribunal, (Central.)

[No. LR.2(67)/54.]

S.R.O. 3231.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the management of certain collieries and their workmen.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

REFERENCE No. 1 OF 1952

PARTIES

Shri L. P. Dave, B.A., L.L.B.—*Chairman.*

PARTIES

Employers in relation to:

1. Central Satgram Colliery.
2. East Jamihari Colliery.
3. Pure Kajora Colliery.
4. Kajora Jambad Colliery.
5. Khas Jambad Colliery.
6. Gazdar Kajora Colliery.
7. Selected Kajora Jambad Colliery.
8. Samla Ramnagar Colliery.
9. Samla Kendra Colliery.
10. Jote Dhemo Colliery.
11. Porasia Colliery.
12. Samla Baidyanathpur Colliery.
13. Joipuria Kajora Colliery.

AND

Their respective workmen.

APPEARANCES

Shri Devan Sen, President, Colliery Mazdoor Congress.—*For the workmen.*

Shri S. N. Mullick, Hon. Secretary, I.M.F. Raniganj Coalfield Committee.—*For the managements of Jote Dhemo, Gazdar Kajora, East Jamihari and Central Satgram Collieries.*

Shri D. P. Swaika—*For Samla Ramnagar, Samla Kendra and Jaipuria Kajora collieries.*

Shri M. Goenka—*For Parasia Colliery.*

Shri K. M. Catterjee—*For Selected Kajora Jambad Colliery*

Shri P. Mondal—*For Pure Kajora Colliery.*

Shri S. R. Goenka—*For Khas Jambad Colliery.*

AWARD

By Government of India, Ministry of Labour, Order No. LR.2(359) dated 19/20/27th December 1951, an industrial dispute between the employers in relation to the seven collieries specified therein and their workmen in respect of the supply of rice and atta to the workmen at concessional rates was referred for adjudication to this Tribunal.

2. Notices were issued to the employers of the above collieries and their workmen and it was found that one of the collieries (namely Kajora Jamhad Colliery) was not in existence. Replies were filed by the workmen and the employers in regard to the other six collieries. Before all the statements were filed, however, my predecessor retired and the matter could not be fixed for hearing. On my taking charge and on the matter being referred to me, I fixed the matter for hearing on 6th April 1953. Before this date, however, Mr. Deven Sen on behalf of the workmen gave an application which was fixed for hearing on 6th April 1953. On that date, another applications was given by Mr. Sen. Both the above applications were heard, and orders passed thereon. Before the matter could (then) be fixed for hearing, the Government, by its order No. LR.2(359), dated 25th April 1953, included the names of six other collieries in the schedule annexed to the original order of reference. Notices were thereupon issued to the employers and workmen of these six collieries and after replies were received, the matter was heard.

3. The case of the workmen as disclosed in their written statements is as under:—

The workmen of the coal industry were supplied rice and atta at concessional rates. That benefit in kind reduceable to money value was an ingredient to wage structure and formed a part of contract, vis-a-vis the terms of employment recognised throughout the industry and sanctioned by the Conciliation Board Award. All the coalmine owners were charging Re. 0-6-0 per seer of rice and Re. 0-5-6 per seer of atta from the workmen. The workmen of the present collieries were also enjoying the same benefit irrespective of the consideration of the market value and Government controlled rates till the middle of 1951 when the rates were abruptly increased to Re. 0-7-0 per seer for both rice and atta and the price of atta was subsequently increased to Re. 0-9-6 per seer. Due to this, there was serious unrest among the workmen and the Colliery Mazdoor Congress served a strike notice on the companies. The workmen therefore claimed that they should be charged prices at the rate of Re. 0-6-0 per seer for rice and Re. 0-5-6 per seer for atta and that they should be refunded the extra money they had been made to pay because of the increase in these rates by the managements. In the alternative, it was claimed that a proportionate increase in the cash dearness allowance should be given to the workmen.

4. The management of the different collieries excepting Jote Dhemo colliery denied that they ever gave rice and atta to their workmen at concessional rates or any benefit in kind reduceable to money value other than what was recommended in the Conciliation Board Award. The Government had made rationing plans for coal mining labour and revised the same from time to time. In April 1944, a revised plan was brought into force by which all coalmine labourers were to be supplied basic standard ration on payment of controlled prices. These plans were not obligatory in the case of collieries where the number of employees did not exceed 1,000. In July 1944, the West Bengal Government assumed responsibility of making supplies of rice available to the collieries affiliated to the Indian Mining Federation and Indian Colliery Owners Association at the minimum scale prescribed under the rationing plan. The Rationing Scheme was again revised in 1946 and the employers' associations were made responsible for getting required supply of rationed foodstuffs (namely rice and atta) from the State Governments and for distributing them to their member collieries, and the collieries acted as authorised dealers for distributing the supplies to their workmen and their dependents and sold rice and atta at the prevailing controlled prices. In 1947, the Conciliation Board Award was published and this award forms the basis of wage structure of the coal industry. In 1949, the Sub Divisional Controller of Civil Supplies informed the collieries that they would not be given any licence for purchase and sale of foodgrains which would be made available from the Indian Mining Federation pool and they were advised to go to act according to the instructions of the Indian Mining Federation. Thereupon, certain instructions were issued to the member collieries by the Secretary of the Joint Pool of Indian Mining Federation and Indian Colliery Owners Association. Copy of this was forwarded to the President of the Colliery Mazdoor Congress. This system took effect from 1st October 1950 and since then the collieries were charging the price at pool rate from the workmen

and were also supplying $\frac{1}{4}$ seer of free rice and paying cash concessions to the workmen. This system has not in any way changed or affected the wage structure of the workmen. It was lastly urged that the claim of the workmen was untenable and should be dismissed. So far as the Jote Dhemo colliery is concerned, its written statement is slightly different. It said that before October 1950 the workmen wanted, for their convenience, to have supply of atta or rice at reduced rates in lieu of cash concessions and free rice as recommended by the Conciliation Board Award, and the management supplied atta or rice accordingly. But after the withdrawal of the licence granted to the colliery for purchase of foodgrains, atta and rice were not available in sufficient quantity and as it was directed to obey the instructions of the Indian Mining Federation, it had to abandon the previous arrangement for supply of atta and rice and from October 1950 it was supplying $\frac{1}{4}$ seer of free rice, paying cash concessions and was supplying basic rations according to instructions of the Ranigunj Coalfield Committee. It was also urged that the system had not in any way affected or changed the wage structure.

5. Before proceeding to the merits of the case, I may mention that petitions of compromise said to have been entered into between the management of eight of the collieries who are parties to this dispute and their workmen were produced before me. When the matter came up for hearing before me on 22nd February 1954, Mr. Deven Sen admitted the compromise on behalf of the workmen of all these collieries. So far as the managements were concerned, the representatives of six of the collieries, namely, (1) Pure Kajora, (2) Parasia, (3) Jaipuria Kajora, (4) Samla Ramnagar, (5) Samla Kendra, and (6) Selected Kajora Jambad collieries were present and they admitted the compromises. Under these compromises, these collieries agreed to supply rice at the rate of Re. 0-6-0 per seer and atta at the rate of Re. 0-7-0 per seer to their workmen. The Pure Kajora colliery agreed to do so from 7th December 1953, while the others agreed to supply rice and atta at this rate from 20th October 1953. On 23rd June 1954, the Agent of Khas Jambad colliery appeared before me and he admitted the compromise under which his colliery agreed to supply rice and atta to their workmen at the rate of Re. 0-6-0 and Re. 0-7-0 per seer respectively and the rates were to be effective from 20th October 1953. A compromise purporting to be signed by the proprietor of the Samla Baidhathpur colliery has also been produced before me; but no one appeared on behalf of the management of this colliery to admit this compromise and in the absence of any proof that the management had entered into this compromise, I cannot look into it. So far however as the other seven collieries are concerned, they have agreed to supply rice and atta to the workmen at the rate of Re. 0-6-0 and Re. 0-7-0 per seer. All of them excepting Pure Kajora colliery agreed to supply rice and atta at this rate from 20th October 1953 while the Pure Kajora is to supply rice and atta from 7th December 1953. It is open to a particular employer to supply foodgrains at concessional rates to his workmen. That would not however affect other employers. So far as the above seven collieries are concerned, I would therefore pass an award in terms of the compromises entered into by them, and direct that they should supply rice and atta to their workmen at the rate of Re. 0-6-0 and Re. 0-7-0 per seer respectively. I also direct that these rates will be effective in the Pure Kajora colliery with effect from 7th December 1953; while they will be effective in the other six collieries from 20th October 1953.

6. I now proceed to consider the dispute on merits so far as the other collieries (collieries which have not entered into a compromise with the workmen) are concerned. The workmen's claim is that the collieries should supply them rice at the rate of Re. 0-6-0 per seer and atta at the rate of Re. 0-5-6 per seer. They urge that the collieries were supplying these articles at these rates but the rates were arbitrarily increased in about 1951. They further claim that the extra money which they had to pay because of the increase in the rates should be refunded to them. The main question for consideration therefore is whether the collieries should be ordered to supply rice and atta to the workmen at the rate of Re. 0-6-0 and Re. 0-5-6 per seer respectively.

7. The workmen contend that they had been getting rice and atta at not more than Re. 0-6-0 per seer. The prices did vary slightly, but they never exceeded Re. 0-6-0 per seer. It was also urged that this concessional supply of grains at these rates was taken into account by the Conciliation Board Award in fixing the wages of the workmen and these concessions had become a part of the earnings and was of the workmen. It was also argued that though there may not have been an explicit contract, there was an implied contract and this should be held from the terms of the Conciliation Board Award and the practice prevailing in the collieries for several years. On the other hand, the collieries urged that they never agreed to supply grains at concession rates and that they have been supplying grains at controlled prices as directed by the Government.

8. As I said above, the workmen firstly rely on the Conciliation Board Award and urge that the supply of foodgrains at concessional rates was taken into account by the Conciliation Board Award in fixing the wages thereunder. I do not agree with this contention. The only concessions which were taken into account by the Conciliation Board Award were the 'concession of giving $\frac{1}{4}$ seer free rice per day of attendance and a cash concession of Re. 0-3-6, Re. 0-4-6 or Re. 0-6-6 per attendance depending on the number of the workmen's family. This can be seen from para. 17(2) of the Conciliation Board Award. It is true that the average cash value of these two concessions viz., the cash concessions and the free rice) was taken as Re. 0-6-0 per day. This may be on the basis that the value of $\frac{1}{4}$ seer free rice was taken at Re. 0-1-6. That would only mean that at the time of Conciliation Board Award, the market price of rice was Re. 0-6-0 per seer. This would go indirectly against the workmen's case; because if the collieries were supplying rice to the workmen at Re. 0-6-0 per seer at that time, it could not be said that they were supplying grains at concessional rates, because the price charged by them was the same as prevailing in the market.

9. I may point out that the Conciliation Board, in working out the average earning of a workman in the above para., took into account the fact that the workmen would be getting a cash concession of $\frac{1}{4}$ seer of free rice every day. No mention or reference has been made of any income or advantage that the workmen would get by the supply of foodgrains at concessional rates. By implication, therefore, the Conciliation Board Award goes against the contention of the workmen that the collieries were to supply grains to the workmen at concessional prices.

10. I may here also refer to sub-para. 36 of para. 17 of the Conciliation Board Award. Therein the Conciliation Board has observed that Government had entrusted the work of distributing rations of food and cloth to the mine owners and that they were doing their best to cope with the situation and had to take all manner of abuses from their employees for not giving proper supply, though, as a matter of fact, it was the short supply from Government that was almost entirely responsible for the trouble. It was then observed that so far as food was concerned, very inferior quality was supplied at the time to the labourers, and that they were most annoyed and this had got to be improved. It was further observed that the Government must see that better quality of food and sufficient quantity of food and cloth were supplied for the labourers and their dependents. This also would go to show that under the Conciliation Board Award, no liability was cast on the industry to supply foodgrains to the workmen at concessional prices. By necessary implication, it means that the mine owners had no responsibility or liability to supply foodgrains to their workers even at market rates.

11. It was then urged that all collieries in Jharia and Ranigunj coalfields were supplying rice and atta (or wheat) to their workmen at concessional rates of Re. 0-6-0 and Re. 0-5-6 per seer respectively, and hence the present collieries should also do so. The workmen have examined eleven witnesses and have produced some letters in support of this contention. Four of the witnesses examined by the workmen were officers of the Indian Mining Association or of collieries which are members of the Indian Mining Association. Three of the witnesses were from the Indian Mining Federation group of collieries. One was from the Indian Colliery Owners Association group. Two were Trade Unionists; and the last witness was the Manager of the Jote Dhemu colliery.

12. The first of the Indian Mining Association witnesses is Mr. Jameson, who is the Chief Personnel Officer of Bengal Coal Co. Limited of whom Messrs. Andrew Yule & Co. Limited are the Managing Agents. He stated that the collieries managed by Andrew Yule & Co. Ltd., had been following Young Plan regarding the supply of grains and that the rates of rice and atta which they were charging from the workmen were never affected by Government rates. He has also stated that the Young Plan was introduced in 1944; that a revised plan was introduced in 1946; and that thereafter they were following the revised plan. He has further stated that in 1947-48, the prices of rice and atta were Re. 0-6-0 and Re. 0-5-6 per seer respectively. He has also proved a letter dated 13th September 1951 written by the Chief Mining Engineer of Messrs. Andrew Yule & Company Limited, to Shri Deven Sen, President of the Colliery Mazdoor Congress. In this letter, it is stated that atta and wheat would be supplied in lieu of rice, which had always been sold to labour at Re. 0-6-0 per seer. It is also mentioned that the so-called controlled rate for atta of Re. 0-5-6 per seer dated back to 1946-47 when the cost of atta was less than that of rice. The letter lastly mentions that wheat prices were never fixed or controlled and wheat was never supplied in large quantities before.

13. The second witness examined by the workmen is Mr. Chowdhury, who is the Assistant Chief Welfare Officer of Messrs. Macneill Barry Limited. He stated that their collieries were charging Re. 0-6-0 per seer both for rice and atta from their workmen, and that this rate was charged from before 1951 and continued to be charged right till now. He has also proved a letter written by the Assistant Superintendent of Collieries of Messrs. Macneill Barry Limited, to Mr. Deven Sen. In that letter, it has been mentioned that wheat or atta supplied in lieu of rice had all along been sold at Re. 0-6-0 per seer.

14. Later on, the workmen have also examined Mr. Bhattacharjee, the Chief Welfare Officer of Messrs. Macneill Barry Limited. He was examined regarding some letters said to have been issued by the West Bengal Government regarding supply of rice and atta to the workmen and he stated that though he searched his records, he found no such letters and that to the best of his recollection, no such letter was received by them. He has further said that the collieries of Macneill Barry Limited were charging Re. 0-6-0 per seer for both rice and atta supplied to the workmen and that these prices were in force from before 1949 and there had been no change therein. He further said that they were giving $\frac{1}{2}$ seer of free rice or atta plus cash concessions to the workmen and also giving them the two seers and 10 chattaks of grains every week as an individual's basis rations. He has then stated that though price had gone up, they were supplying rice and atta to workmen at Re. 0-6-0 per seer with the purpose of buying peace. In cross-examination, he admitted that he could not say as to how the price of rice and atta were fixed at Re. 0-6-0 per seer nor could he say whether they were fixed as a result of Government orders or otherwise. He further stated that his employers were discussing the question about increasing the price of rice and atta, saying that they were entitled to do so; but he advised them not to do so; because such an increase would create trouble and unrest among the workmen. He has also stated that the only advantage they got by not increasing the rates of rice and atta was that they had peace among the workmen.

15. The last witness examined by the workmen from the Indian Mining Association group is Mr. G. M. Ray, the Secretary of the Standing Coalfield Committee which is part of the Indian Mining Association organisation. He is also the Food Administrator of the Food Department of the Indian Mining Association organisation. He stated that their collieries (i.e. collieries which were members of the Indian Mining Association) situated in the Ranigunj area charged Re. 0-6-0 per seer of rice and Re. 0-5-6 per seer of atta supplied by them to their workmen. He further said that the prices they charged from the collieries for grain supplied to them varied from month to month as they depended upon the price they had to pay for them. He further said that at least from 1949 the prices of rice and wheat that they had to pay were more than Re. 0-6-0 per seer and the collieries were therefore incurring some loss by supplying rice and wheat or atta to the workmen at the above rates. But they stuck to these prices firstly for the purpose of not upsetting the labour and secondly for the purpose of ensuring stable labour force.

16. The witnesses from the Indian Mining Federation group of collieries are Shri Ruparalia, Shri Sharma, and Shri S. P. Chatterjee. Shri Ruparalia is the manager of East Satgram colliery which is a member both of the Indian Mining Federation and Indian Colliery Owners Association. He has stated that his colliery was charging Re. 0-6-0 per seer for atta and Re. 0-5-6 per seer of rice supplied to the workmen and that these rates were in force from 1947 till date. He has also stated that by giving grains to workmen at rates which were less than controlled rates, the collieries got an advantage in that their recruitment expenses were reduced.

17. Shri Sharma is a clerk in the Upper Kajora colliery which is a member of the Indian Mining Federation. He stated that his colliery was charging Re. 0-6-0 per seer of rice supplied to the workmen from 1950 till now, and that before 1950, his colliery was supplying rice to the workmen at the rate of six seers per rupee.

18. Shri Chatterjee is a clerk in Chalbajpur Colliery which is a member of both Indian Mining Association and Indian Mining Federation. He said that his colliery charged Re. 0-6-0 per seer of atta and Re. 0-5-6 per seer of rice supplied to the workmen and that this had been the practice all along from 1947. He has further said that between 1947-50, they were giving one seer of rice free to miners per attendance; but at that time, they were not paying any cash concessions to the workmen. In other words, the colliery was giving $\frac{3}{4}$ seer of free rice more in lieu of paying the cash concessions to the workmen.

19. The only witness examined by the workmen from the Indian Colliery Owners Association group of collieries was Shri Tripathi working in the Dhansar

Coal Company Ltd. (which is a member of the Indian Colliery Owners Association). He is the secretary of the Labour Union of that colliery and stated that his colliery was supplying rice to the workmen at Re. 0-5-6 per seer and atta Re. 0-6-0 per seer. He has further said that the workmen were given two seers 10 chattaks of grains per week but the proportion of rice and atta varied from time to time according to the grains supplied to the colliery by the Indian Colliery Owners Association and according to their instructions.

20. The workmen have then examined two trade unionists Shri Ajodhya Prasad Gupta and Shri B. P. Sinha. Shri Gupta has stated that the workmen working in the Jharla Coalfields were being supplied rice at the rate of Re. 0-5-6 per seer and atta at the rate of Re. 0-5-10½ per seer and that these rates had been in force all along from 1945-46. Shri Sinha has stated that almost all collieries charged Re. 0-6-0 per seer of wheat and Re. 0-5-4 per seer of rice, supplied by them to the workmen.

21. Shri Sinha has also produced a copy of the report of the coalmines Food-grains Committee of which he was a member. The copy does not appear to be a correct one. For instance, it does not show that the said report was signed by all members, though Shri Sinha assures us that all members had signed it at one sitting. It appears from this report that in some collieries workmen were given one seer of free rice per day, and that in some other collieries workmen were supplied with one seer of rice per day at the rate of six seers per rupee. These collieries were however not giving free rice or cash concessions as laid down in the Conciliation Board Award. I may also mention that Shri Sinha has no personal knowledge about the data furnished in this report on the above points.

22. The last witness examined by the workmen is Shri R. G. Chatterjee who is the manager of the Jote Dhemo colliery. He stated that at present his colliery was supplying rice to the workmen at Re. 0-7-0 per seer and that they were not supplying any wheat or atta as the same had been decontrolled. He has further stated that the Young Plan was being followed in some collieries and was not being followed in some; while in some collieries, it was followed partly.

23. It would appear from the above oral evidence that the practice in the different collieries is not uniform. Even collieries which are members of the same Association follow different practices. For instance, though Mr. Ray has said that the collieries of the Indian Mining Association charge Re. 0-6-0 and Re. 0-5-6 per seer respectively for rice and atta, Mr. Jameson, Mr. Chowdhury and Mr. Bhattacharjee have said that their collieries charge Re. 0-6-0 per seer for both rice and atta. Two of the collieries of the Indian Mining Federation are charging Re. 0-5-6 per seer for rice and Re. 0-6-0 per seer for atta. A third colliery of the Indian Mining Federation is charging Re. 0-6-0 per seer for rice. Formerly, this colliery was supplying rice to the workmen at the rate of Re. 0-2-8 per seer. The evidence regarding one colliery of the Indian Colliery Owners Association is that it is supplying rice at Re. 0-5-6 per seer, and atta at Re. 0-6-0 per seer. According to the evidence of trade unionist Shri Ajodhya Prasad Gupta, rice was supplied at the rate of Re. 0-5-6 per seer and atta at the rate of Re. 0-5-10½ per seer; while according to another trade unionist Shri B. P. Sinha, rice was supplied at the rate of Re. 0-5-4 and wheat at Re. 0-6-0 per seer. In other words, the price of rice has been Re. 0-6-0 per seer in some cases, Re. 0-5-6 in some cases, and Re. 0-5-4 in some cases. Similarly the price of wheat has been Re. 0-5-6 in some cases, Re. 0-5-10½ in some cases and Re. 0-6-0 in some cases. This would mean that the practice has not been uniform in the different collieries. The allegation therefore that all collieries were supplying rice at the rate of Re. 0-6-0 per seer and wheat or atta at Re. 0-5-6 per seer is contradicted by the oral evidence led by the workmen.

24. It was then urged by Shri Deven Sen on behalf of the workmen that there was a Government order in December 1943 under which rice was to be supplied to the workmen at six seers per rupee; but this did not contemplate giving of any free rice or cash concessions. In support of this, a document purporting to be a copy was produced by him on 11th March, 1954. This copy does not bear any signature showing that it is a true copy. Further, it purports to be a copy of proposals made at a Tripartite Conference convened by the Hon'ble Member for Labour on 11th December, 1943. There is nothing to show that these proposals were accepted.

25. Even if any orders were issued in December 1943, they were subsequently revised by what is known as the Young Plan, which came into force in April 1944. That plan does refer to "an existing approved scheme" and also to an "old

scheme", "previous scheme" etc. The new scheme is referred to as the revised scheme. All this would certainly show that there had been some scheme in force before this; but there is no reliable evidence to show what that old scheme was. In this new scheme, which, as I said above, is known as Young Plan, it was laid down that every workmen would be entitled to a basic standard ration of four seers for each workman, four seers for each adult dependent and two seers for each child and that these rations were to be made available on payment of controlled prices. The plan further provided that in addition to this, a ration of dal of 1/4 of basic ration would be made available at the concession rate of six seers to the rupee. Further, the manual workers were to be given 1/2 seer of rice free for each attendance and every workman (whether manual or non-manual) was to be given a daily cash allowance of Re. 0-2-0, Re. 0-3-0 or Re. 0-5-0 according to the number of members of his family. A copy of this scheme has been produced as Serial (A) with the application of the management given on 8th March, 1954.

26. In 1946, the rationing scheme for colliery labour was revised. Under this new revised scheme, it was provided that the workmen were to be given basic ration per day of 12 oz. for each workmen, 12 oz. for each adult dependent, and 6 oz. for each child dependent and that these basic rations were to be supplied on the payment of controlled rates. In addition to this, manual workmen were to get 8 oz. of rice free for each day of attendance. In this order, it was also laid down that the food pools of Indian Mining Association, Indian Colliery Owners Association and Indian Mining Federation would be responsible for getting the required quantity of rationed food stuffs from the Provincial Governments and distributing them to the mine owners for meeting their demands. It was further laid down that the mine owners were to act as authorised retailers for distributing the supplies to the workers and their dependents. A copy of this scheme has been produced at serial No. (C) of the documents produced by Shri Mullick on 8th March, 1954. Under this scheme, the workmen were also to be given cash concession of Re. 0-2-6, Re. 0-3-6, and Re. 0-6-6 per day of attendance depending on the number of their dependents. This was the scheme in force at the time of the Conciliation Board Award.

27. Shri Sen contended that after this, there have been no orders of the Government of India regarding the supply of rations. On the other hand, Shri Mullick urged that there were other orders also. Assuming that there was no subsequent orders of Government, it would not help the claim of workmen; because the above scheme, which was in force at the time of the Conciliation Board Award, was not affected by it. There is nothing to show that the employers were bound to supply grains at concessional rates or to show that they were bound to supply rice at Re. 0-6-0 per seer, and wheat or atta at Re. 0-5-6 per seer. Under the scheme in force at that time, the employers were bound to give 1/4 seer of rice free and a cash concession per day of attendance and they were also to supply basic rations at controlled rates. There is no mention in the scheme of any supply of grains at concessional rates. I may also mention here that at that time the market rate was Re. 0-6-0 per seer and probably the market rate of atta was Re. 0-5-6 per seer and that is why rice and atta were supplied to the workmen at these rates in their basic rations. If subsequently the prices of rice and wheat went up and if the employers had to pay more, they would ordinarily be entitled to charge higher prices from the workmen. They were not bound under law or under any rule to continue supply of rice and wheat or atta to the workmen at the same rates which were in force previously even though prices may have gone up.

28. It was urged by Shri Sen that when considering the wages to be awarded to the workmen, the Conciliation Board Award considered that rice was available and was supplied to the workmen at Re. 0-6-0 per seer and the employers were bound to continue supplying rice at the very rate, even though the prices may have subsequently gone up; otherwise the wage structure as laid down in the Conciliation Board Award would be disturbed. The wage structure fixed by Conciliation Board Award was no doubt on the basis of the prices prevailing at that time. If subsequently there is a change in the prevailing conditions either by prices going up or down, it would be open to the workmen or to the employers to move for the wage structure being revised. It could not however be said that though prices may go up, the employers are bound to supply grains at the same rates as before. For instance, it may turn out that the prices of other commodities may have gone up. That would certainly affect the workmen; and the workmen may claim a revision of wages or of dearness allowance on that ground. But that would not mean that the employers were bound to supply different articles to the workmen at the same prices which were prevailing when the wages were fixed by the Conciliation Board Award. In this connection, I may also point

out that the Government have constituted a Tribunal known as All India Industrial Tribunal (Colliery Dispute) for adjudicating upon matters mentioned in Schedule No. II of the order of reference and one of the questions included therein is the wages of all workmen. It would be open to the workmen to urge before the Tribunal revision of their wages, on the ground among others that the prices of foodgrains had gone up.

29. I may then mention that subsequent to the Conciliation Board Award, there have been certain orders of the Government. Under an order dated 28th/30th June, 1947, the Government decided to reduce the weekly ration of rice to 7 chatacks per adult and 4 chatacks per minor. In 1949 the Government decided to discontinue licences given to the individual collieries for purchase and sale of rice and asked them to surrender their licences and to refer to their associations for further instructions. On 13th September, 1950, the Government wrote a letter to the Joint Pool of Indian Mining Federation and Indian Colliery Owners Association stating that scales of ration should be uniform; that the dependents' ration should be fixed at 2 seers 10 chatacks for adults and 1 seer 5 chatacks for children and that proper registers must be maintained. Thereupon a meeting of the Raniganj Coalfield Committee of Indian Mining Federation was held on 26th September, 1950 where the above letter was considered and it was decided to implement the instructions contained in the Government letter. Instructions were also issued that the total basic rations of each employee and each adult dependent would be 2 seers 10 chatacks per week to be supplied at the pool rates and those of a minor dependent would be half the scale prescribed for adults. It was also laid down that each manual worker would get 1/4 seer free rice for each day of attendance and would also receive a cash concession of Re. 0-3-6, 0-4-6 or Re. 0-6-6 depending on the number of members of his family. A copy of this resolution was sent to the President of the Colliery Mazdoor Congress. It was in pursuance of this resolution and instructions contained therein that the prices of rice and wheat or atta appear to have been increased from October 1950.

30. The supply of foodgrains is ordinarily the responsibility of the Government. This also was recognised by the Conciliation Board Award. The Conciliation Board Award did not place any responsibility on the employers to supply foodgrains to their workmen at particular rates or at concession rates, excepting that the employers were bound to give 1/4 seer of free rice to their workmen for each day of their attendance. The work of distribution of foodgrains was entrusted by Government to the employers who were supplied the necessary foodgrains by Government. The employers for the purpose of distribution of foodgrains acted as the agents or retailers of Government. This, so far as the giving of foodgrains to the workmen was concerned, the employers did so not in the capacity of employers as such, but in their above capacity of agents of Government appointed by the Government as retail distributors.

31. The Government orders stated all along that basic foodgrains were to be supplied to the workmen at controlled rates. In the beginning, the collieries were authorised and were given licences to purchase foodgrains and to sell them to the workmen. Subsequently these licences were cancelled and Government supplied foodgrains to the pool of the employers' associations, which pool supplied the wants of the members concerned. The Government, when cancelling the licences of the collieries, had asked them to act according to the instructions of the pool. The pool instructed the different collieries to supply foodgrains to the workmen at rates fixed by them; and these rates necessarily varied according to the cost they incurred in getting the foodgrains. If the prices went up and the pool had to pay higher prices, it charged higher prices from its members and collieries accordingly charged higher prices from the workmen. There was nothing wrong in this; because by doing so, the employers, as authorised retail distributors, were charging controlled rates from the workmen.

32. It may be that some of the employers may have thought it fit to incur a loss, by charging less than their cost price from the workmen. But that was, as stated by some of the witnesses, for the purpose of buying peace or avoiding unrest among the workmen or ensuring a stable labour force or decreasing cost of recruitment. But merely because some employers were supplying foodgrains to their workmen at concessional rates, it could not be said that all other employers were also bound to do so. In any case, it would not be proper to force particular collieries to give these concessions unless the matter is decided industry wise.

33. In this connection, I may also point out that one of the points referred to the All India Industrial Tribunal (Colliery Dispute) is continuance of the present foodgrains concessions to workers and this question may have to be considered;

by that Tribunal on an industry-wise basis. I may also mention at this stage that Shri Sen argued that the fact that one of the points referred to the above Tribunal by Government was continuance of the present foodgrains concessions, it meant that at present foodgrains concessions were given to the workers. I do not think that this necessarily means that workers were entitled to get rice and wheat at concession rates. For instance, one of the concessions which the workers are entitled to get in respect of foodgrains is that they are given 1/4 seer of rice free per attendance. It may as well be that this may be the "present foodgrains concession" referred to in the point referred to the All India Industrial Tribunal (Colliery Disputes). It may also be that this point may be referring to the concessions in foodgrain prices which are given by some collieries to their workmen. In any case, I do not think that this would necessarily mean that collieries are bound to supply rice and atta at the rate of Re. 0-6-0 and Re. 0-5-6 per seer respectively.

34. I may then refer to the award of my learned predecessor Shri Varma in Reference No. 30 of 1951 relating to a dispute between the management of New Satgram Colliery and their workmen. In that case also, the workmen had claimed that they should be given rice and atta at concession rates of Re. 0-6-0 and Re. 0-5-6 per seer. The workmen were represented in that case also by the Colliery Mazdoor Congress, that is, by the same Union which is now representing the workmen. My learned predecessor held that no case had been made out for introducing any change in the rates which the colliery was charging from its workmen. Against this award, two appeals were filed by two different sets of workmen before the Labour Appellate Tribunal, Calcutta. One set did not appear before the Tribunal at the time of hearing and that appeal was dismissed for non-prosecution. The other appeal, which was filed by the same set of workmen as at present, was argued before the Labour Appellate Tribunal and was dismissed. The point involved in the above matter was the same as is now before me. The decision of my learned predecessor and the decision of the Labour Appellate Tribunal, though not conclusive between the parties, has certainly great weight. These decisions show that the supply of rice and atta at the rate of Re. 0-6-0 and Re. 0-5-6 per seer respectively had never been a condition of service under the Conciliation Board Award.

35. Reference was also made to the award of my learned predecessor Mr. Jeejeebhoy in Reference No. 3 of 1948, which related to a dispute between the workmen employed in Godhur and Kirkend Collieries and their respective employers. One of the points considered in that case related to supply of dal at concession rate of six seers per rupee and cloth at half price. The workmen in that case claimed that dal should be supplied to them at six seers per rupee as mentioned in the Young Plan. My learned predecessor held that Young Plan has subsequently been superseded and that under the subsequent orders, the colliery was ordered to supply foodgrains at controlled prices to the workmen. It was therefore held that the workmen were not entitled to get dal at concession rates. Though the present reference has nothing to do with dal or cloth, I would adopt the reasoning of my learned predecessor that the issue of rice and wheat at particular rates was not compulsory and that if that were made compulsory, I would be altering the wage structure and doing something which the Conciliation Board Award itself could have done if it had so minded; but it (the Conciliation Board Award) merely pressed upon the Government the necessity of ensuring adequate supply of foodgrains to the workmen. Any order of this kind would have repercussions and it would be improper for me to make such an order unless I had before me a specific reference on the point of general application and the industry as a whole was duly represented therein. Actually there is at present a reference of general application relating to the industry as a whole and the question would have to be gone into in that reference.

36. In respect of the Jote Dhemo colliery, it appears that it was formerly supplying atta and rice at reduced rates. It also appears that in spite of the Young Plan and the revised plan and in spite of Conciliation Board Award, different collieries were not following them completely nor were they carrying out all the provisions therein. For instance, in some collieries, the workmen were being given six seers of rice for Re. 1, but they were not given any free rice or any cash concessions, nor were they given any other foodgrains at controlled rates. It may be that by doing so, the collieries were disobeying the Government orders. It was probably an advantage both to the workmen and to the employer; because the workmen got more grains than they would have got under the Young Plan or the Government orders. The employer probably secured foodgrains at cheaper rates from the market than he would have had to pay if he procured them through Government. He therefore made some saving in his cost price, and the workmen

got more rice. The workman had to pay only Re. 1 for six seers, but he lost the cash concessions and the free rice. It is not shown that the colliery was ever supplying rice and atta at Re. 0-6-0 and Re. 0-5-6 per seer in addition to giving free rice and cash concessions. If it has now brought itself in line with the Government orders, it could not be said that it was bound to give rice at six seers a rupee as it was doing before.

37. I may then point out that though the collieries began to charge prices which were more than six annas and Re. 0-5-6 per seer from October 1950 and though the colliery Mazdoor Congress had been informed of the decision of the Raniganj Coalfield Committee meeting held on 26th September, 1950, it was not till about September 1951 that the Colliery Mazdoor Congress took any action in the matter. In this connection, Shri Sen argued that the resolution passed by Raniganj Coalfield Committee on 26th September, 1950 did not mention the rates which the colliery would charge but only mentioned "the pool rates" and he was therefore not supposed to know that the rates were likely to be higher. I may however point out that according to the workmen's case, they were entitled to get rice and atta at a fixed rates of Re. 0-6-0 and Re. 0-5-6 per seer. The resolution of the Raniganj Coalfield Committee mentioned that the workmen would be supplied these grains at the Pool rate. This certainly showed that some change was contemplated from the existing practice and yet no protest was made nor clarification sought. Again the prices that were charged from the workmen from October 1950 exceeded Re. 0-6-0 and Re. 0-5-6 per seer. Still it was not till almost a year thereafter that the union gave a notice of strike. This also shows that the workmen and the Union at first thought that the collieries were justified in charging higher rates if their cost was higher.

38. To sum up, the supply of rice and wheat or atta at particular rates or at concession rates was never a condition of service either by contract or by any award or by practice. The collieries may have been charging these rates formerly because they were then the market rates. If subsequently the market rates have gone up and if collieries have to pay a higher purchase price, they are entitled to increase the sale price and charge higher rates from the workmen. In supplying foodgrains to the workmen, they are merely working as agents of the Government. The Conciliation Board Award has made it compulsory on the employers to give 1/4 seer of free rice and certain cash concessions per attendance and it is not in dispute that the collieries are making these payments to the workmen. It has not said that the collieries must supply basic rations of rice and wheat at particular rates or at concession rates. On the contrary, the supply of foodgrains is held to be a responsibility of Government. On the whole, I think that the workmen cannot claim that the collieries are bound to supply them rice and atta at the rate of Re. 0-6-0 and Re. 0-5-6 per seer respectively. That being so, they are also not entitled to claim any amount said to have been paid by them in excess. So far as the collieries which have not entered into any compromise or agreement are concerned, the reference fails and is dismissed.

I pass my award accordingly.

The 16th September, 1954.

(Sd.) L. P. DAVE, *Chairman,*

Central Government's Industrial Tribunal, Dhanbad.

[No. LR2(359)]

S.R.O. 3232.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from Shri Ram Sundar Singh, a workman of the Kurhurbaree Colliery.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION No. 231 OF 1953

(arising out of Reference No. 6 of 1952)

In the matter of an application under Section 33A of the Industrial Disputes Act 1947

PRESENT

Shri L. P. Dave, B.A., LL.B.—*Chairman.*

PARTIES

Shri Ram Sundar Singh, clerk, Kurhurbaree Colliery, Giridih P.O., Dist. Hazaribagh—*Complainant*.

Vs.

The Superintendent of Collieries, Giridih P.O., Dist. Hazaribagh—*Opposite Party*.

APPEARANCES

Shri K. S. Banerjee, Advocate, Dhanabad—*For the complainant*.

Shri S. S. Mukherjee, B.Sc., B.L., Pleader, Dhanabad—*For the opposite party*.

AWARD

This is a complaint under Section 33A of the Industrial Disputes Act.

2. The complainant alleged that during the pendency of Reference No. 6 of 1952, the opposite party discharged him on 24th July 1953 without the express permission of this Tribunal. He further alleged that his discharge was untenable in law and unwarranted by facts and that it was a long history of official grudge animosity and victimization.

3. The opposite party opposed the complaint and urged *inter alia* that the complainant was working as a Power House Store Keeper and it was found after a thorough investigation and detailed enquiry that the complainant was guilty of contravening the stores procedure rules, irregularity in issuing stores, falsification of accounts, etc. He was therefore dismissed. His discharge from service was justified under the facts of the case. It was urged that the complaint should be dismissed.

4. The complainant was admittedly working as a Power House Store Keeper in the Railway Collieries at Giridih. Somewhere towards the end of May 1949 or beginning of June 1949, a chageman named B. B. Haldar made a verbal report to the Superintendent of Collieries that stores requisitioned by him had not been supplied to him though alleged to have been shown by the complainant as supplied to him. Thereupon the Superintendent of Collieries ordered his Head Clerk and his Accounts Clerk to make a preliminary investigation into the allegations. They did so and submitted a report on 8th June 1949. This report is produced as Annexure "A" with the written statement of the opposite party. This report mentions that there were several irregularities in the store and that it required a thorough investigation. Thereupon the Superintendent of Collieries by his letter dated 10th June 1949 appointed a Committee consisting of an Assistant Manager, a Depot Store Keeper and an Accounts Clerk to go fully into the matter and submit a report to him within a week. In the course of this letter, the Superintendent of Collieries observed that the preliminary investigation had rather perturbed him and that it appeared that there had been great irregularities in the Power House Store. This committee made a report on 23rd June 1949 (Annexure 'C'). Several serious discrepancies were found by them. After receipt of this report, the Superintendent of Collieries issued a charge sheet (which is annexure 'B' to the written statement) on 4/8 August 1949 to the complainant. The complainant replied to this charge sheet on 15th August 1949 (See annexure 'E'). In the course of this reply, he made an allegation that the then Colliery Superintendent (Shri Guha) had rebuked, intimidated and threatened him and had abused him in very bad words. The complainant also requested in this reply that a joint Departmental Enquiry Committee should be constituted according to the rules governing such committees. On 14th September 1949, the Chief Mining Engineer, Railway Board, instituted a joint Enquiry Committee to enquire into the affairs of the Power House stores. This Committee was to consist of (1) Shri Guha, the then Colliery Superintendent, (2) Shri Monga, an Officer from the Office of the Chief Mining Engineer, Railway Board, Calcutta, (3) Shri Venkateswaran, an Officer from the Office of the Controller of Coal Accounts, Calcutta and (4) Shri S. K. Ghosh, Colliery Manager, Serampore Colliery. It appears that, in the meanwhile, the Controller of Coal Accounts, Calcutta, had carried out his usual biennial verification of the stores and found serious irregularities in the stores. A further charge sheet was served on the complainant on 23rd March 1950 (annexure 'H' to the written statement). The complainant replied thereto on 27th March 1950 and the reply is marked as Annexure 'I' to the written statement. On 30th June 1950, the Joint Enquiry Committee submitted its report, which is produced as annexure 'J' to the written statement of the opposite party. They held the charges proved against the complainant and also recommended disciplinary action against him. They held that he had displayed considerable carelessness in maintaining the stores records and lot of laxity in not insisting upon the submission of requisitions before stores

were issued. They also found him responsible for tampering of some of the vouchers. They further held chageman Shri D. K. Banerjee responsible (but to a lesser extent) in this connection. On 23rd May 1951 the complainant was informed by letter (marked annexure 'L' to the written statement of the opposite party) that the administration had come to the careful decision as a result of the above enquiry that the complainant was guilty of gross negligence, slackness and manipulation of accounts and to discharge him and he was therefore directed to show cause why the said decision should not be given effect to. The reply of the complainant to this was given on 22nd June 1951; it is annexure 'M' to the written statement. This was forwarded by the Superintendent of Collieries to the Chief Mining Engineer who ordered his discharge by his letter Annexure 'O' dated 9th August 1951. At that time, an appeal was pending before the Labour Appellate Tribunal in which Railway Collieries were parties and hence no orders to discharge him were passed immediately; orders were passed in July 1953 discharging the complainant from service from 24th July 1953. At that time, reference No. 6 of 1952 was pending before this Tribunal and by passing this order, the opposite party contravened the provisions of Section 33 of the Industrial Disputes Act. Hence the present complaint.

5. Shri Banerjee, who appeared for the complainant, stated that there was no denial that there was a shortage of stores but urged that the complainant should not have been held responsible for it and should not have been discharged. He also urged that the complainant and Shri B. B. Haldar were not on good terms; that the then Superintendent of Collieries Shri Guha was prejudiced against the complainant and still Shri Guha was made the Chairman of the Joint Enquiry Committee. He then urged that the ledgers and requisition slips were not supplied to the complainant in time and that the store department was understaffed and this led to accounts being not kept properly. He also urged that according to the prevailing practice, stores were often supplied on oral requisitions and that written requisitions were sent later on and that sometimes some officers took the stores for their private use also. He also said that several stores given under the requisition slips produced at Exhibit 33 were not given credit for by the enquiry committee. He also urged that the enquiry was not conducted in a proper manner and the complainant was not informed of the dates when the enquiry was being held; that he was not allowed to cross examine the witnesses and in the circumstances, the report of the enquiry committee was vitiated.

6. At the outset, I may mention that beyond the bare word of the complainant, there is nothing to show that he was not on good terms with Haldar nor is there anything to show that the Superintendent of Collieries had taken a dislike to him. No doubt in his deposition before this Tribunal, the complainant has stated that because an order was issued in October 1948 by the Superintendent of Collieries that excess stocks should not be issued to Shri Haldar, relations between the complainant and Shri Haldar became strained and thereafter they were not on good terms. It may however be noted that the complainant had never alleged previously that his relations with Shri Haldar were strained. It was Shri Haldar's oral report which led the Superintendent of Collieries to start enquiries in the matter; and it is natural that the complainant may now make an allegation that he was not on good terms with Shri Haldar. In the course of some letters written by him, the complainant has made some allegations against Shri Guha; but it is significant to note that no allegation has ever been made against Shri Haldar. I do not believe his allegation that Shri Haldar was not on good terms with him.

7. So far as the Superintendent of Collieries Shri Guha was concerned, the complainant has not stated in his deposition anything against Shri Guha, except that Shri Haldar was telling him that Shri Guha was related to him. This allegation was never made by him before. Even if Shri Haldar may not be on good terms with the complainant and even if Shri Guha was a relative of Shri Haldar, it cannot be believed that because of this, Shri Guha was interested in making false allegations against the complainant.

8. It then appears that when the complainant replied to the first charge sheet served on him by letter annexure 'E', he stated therein that Shri Guha had rebuked, intimidated and threatened him and had also lashed him with his tongue with bad words. These allegations may or may not be true. It is to be remembered that prior to this, an enquiry had been made firstly by the Head Clerk and the Accounts Clerk of the Colliery Superintendent and later on by a committee of three members appointed by him and they had found serious discrepancies in the stores. It is quite likely that the Superintendent of Collieries may have got very much perturbed as stated by him in the latter appointing an Ad hoc Committee (Annexure 'B'), and may have thereupon used some strong language against the complainant. This did not necessarily mean that the

Superintendent of Collieries had taken a personal dislike to the complainant or had been prejudiced.

9. At this stage, I may also refer to complainant's reply to the supplementary charge sheet served on him. He has stated that Shri Guha was dead against him and appealed that some other independent officer should be appointed as Chairman of the Committee "like independent and disinterested officers like the members of the Committee namely Shri Monga and Shri Venkateswaran." It is to be remembered that in spite of the allegation made by the complainant in the letter mentioned above, the Chief Mining Engineer thought it fit to appoint Shri Guha as the Chairman of the Joint Enquiry Committee and in spite of the allegations made in the letter annexure "I", the Superintendent of Collieries continued Shri Guha as Chairman of the Committee. This would mean that the Chief Mining Engineer must have thought that the allegation made by the complainant against Shri Guha were not correct and should not be a ground for appointing someone else as the Chairman of the Committee. It is true that in view of the allegations made by the complainant against Shri Guha, it would have been better if some other officer had been appointed as the Chairman of the Committee and it would probably have saved Shri Guha from unnecessary embarrassment. The Chief Mining Engineer however appears to have adopted the attitude that it would be undesirable in the interests of discipline to appoint someone else as Chairman of the Committee merely because some reckless allegations were made by the complainant against the Superintendent of Collieries. I might repeat that the action of the Chief Mining Engineer would go to show that he must have been satisfied that the allegations made against Shri Guha were not correct.

10. I may also point out that the Joint Enquiry Committee consisted of four members, two of whom were, even according to the complainant's statement contained in the letter "I", independent and disinterested officers. Shri Monga was an officer from the office of the Chief Mining Engineer, Calcutta, and Shri Venkateswaran was an Officer from the office of the Controller of Coal Accounts, Calcutta. Even if Shri Guha was prejudiced against the complainant and even if Shri Ghosh, the fourth member of the Committee, was a subordinate of Shri Guha, there was no reason why Shri Monga and Shri Venkateswaran should have signed the Joint Enquiry Committee's unanimous report holding the complainant guilty of the charge levelled against him. This also would go to show that the report of the Enquiry Committee was not vitiated on the alleged ground of Shri Guha being prejudiced against him.

11. It was then urged that ledgers and printed requisition forms were not supplied to the complainant and this was why proper accounts were not kept and further that there was shortage of a clerk and this was also responsible for this irregularity. It does appear that the ledger book was not supplied to the complainant in time in April 1948 and that it was supplied to him in August 1948. It also appears that the requisition slips were not supplied in time. This would only mean that the accounts could not be entered in the ledger book during the above period. Actually when regular requisition slips were not supplied, requisitions were taken on ordinary slips of paper. Similarly, entries were made in a separate notebook when there was no ledger book. Thus the non-supply of ledger book and requisition forms could only mean that accounts could not have been kept strictly in accordance with the rules, that is, they could not be kept in the ledger, but, as I said above, they were admittedly kept in a notebook and when the ledger book was supplied, the entries from the notebook could have been and must have been copies of the ledger book. The shortage of a clerk may keep the work in arrears. None of these grounds should have led to the serious irregularities which have been alleged in the case. For instance, none of these grounds could justify issue of stores on an oral requisition. None of them could justify shortage of stores. It may be noted that it is an admitted fact that sometimes stores were supplied on oral requisitions and also that there has been a shortage of stores.

12. In this connection, I may refer to the usual verification of the stores carried out by the officers of the Controller of Coal Accounts. They did so between June and September 1949. Letter marked "G" clearly shows that serious irregularities were found in the stores and that there was also shortage. Actually Shri Banerjee, who appeared before me, on behalf of the complainant had to concede that there was a shortage of materials even after the stores mentioned in the slips produced at Exhibit 33 were given credit for. He however said that the complainant was an unfortunate victim of the practice prevailing at the stores of issuing stores on oral requisitions and issuing of stores to officers for their private use. The Store Keeper was a responsible officer and was bound to look to the interests of the management and to carry out the rules in force. The rules clearly required that no stores could be issued unless a requisition slip was

given and he committed a breach of this rule on several occasions. One can understand that the rule may not be enforced when there was no emergency like a breakdown; but the rule appears to have been observed more in breach. Further the Store Keeper could not under any circumstances give Government articles for the personal use of any officer. If he did so, he must take consequence thereof.

13. It was then argued by Shri Banerjee that proper procedure was not adopted by the Enquiry Committee. It was said that the complainant was not informed of the dates and was not allowed to cross-examine witnesses. In this connection, I may refer to the letters Exhibits 42 and 43 written by the complainant to the Enquiry Committee. Under the letter Exhibit 43, he requested that he should be allowed to be represented by a lawyer at the sitting of the Committee to be held on 9th December 1949. He repeated the same request by letter Exhibit 42, dated 20th January 1950. In his deposition, the complainant stated at first that he got no replies to these letters. Later on, he had to admit that an order was passed on his application that he would be allowed to be represented by a railway servant belonging to this very colliery and by no one else and that this order was communicated to him orally. It appears that the complainant was first informed orally of the order and later on a written reply was sent to him. Exhibit 53 is the original application given by him to the Enquiry Committee which bears orders passed below it by the Chairman Shri Guha and by a member Shri Venkateswaran. Exhibit 52 is the office copy of the letter No. 321, dated 20th January 1950 written to the complainant. The complainant was shown a peon book which bore his signature and from this he had to admit that a letter No. 321 was delivered to him, but he said that he had not got it in his file. He admitted the signature of Shri Guha on the office copy Exhibit 52. This letter and the order passed below Exhibit 53 clearly show that the enquiry committee had informed the complainant that he could be accompanied by any other railway servant, but not by a pleader. It was urged that the complainant was told that he could be represented by a railway servant from that very colliery; but there is nothing to justify this allegation. It thus appears that the complainant was allowed to be represented by another railway servant. According to the rules, the committee could refuse to allow him to be represented by a pleader and there was nothing wrong if it thought fit to do so. It was then urged that though a copy of the enquiry committee report was given to the complainant, copies of the depositions were not supplied to him; but he does not appear to have made any request for the same at any time. In any case, he does not appear to have been prejudiced by this.

14. On the whole, I think that the report of the Joint Enquiry Committee deserves great weight. Even if we do not give much weight to it, the fact remains that the complainant, on his own showing, had committed various irregularities. Admittedly stores were being supplied without written requisition slips. On a verification by an independent officer from the office of the Controller of Coal Accounts, it was found not only that there were serious irregularities but that there was shortage of stocks also. In the course of arguments before me, Shri Banerjee had to concede that there was a shortage of stores. As mentioned above, he however urged that the complainant was a creature of circumstances; that he believed in people and was forced to give articles to them on oral requisition and even for private use. As I mentioned above, the complainant held a responsible post and he should have been strict in carrying out the rules and should not have allowed any stores to be issued on oral requisitions. He was absolutely wrong in allowing stores to be given for private use. If he was too weak to stop this, he must bear the consequences. In view of the admitted irregularities and shortage of stores, I think that the order of the opposite party discharging the complainant from service is proper.

15. The complaint therefore fails and is dismissed.

I pass my award accordingly.

The 29th September, 1954.

(Sd.) L. P. DAVE, Chairman.

[No. LR-2(365)/III.]

P. S. EASWARAN, Under Secy.

New Delhi, the 12th October 1954

S.R.O. 3233.—In exercise of the powers conferred by section 4 of the Mines Labour Welfare Fund Act, 1946 (XXII of 1946), read with sub-rule (2)

of rule 3 of the Mica Mines Labour Welfare Fund Rules, 1948, and in supersession of the notification of the Government of India in the Ministry of Labour, S.R.O. No. 652, dated the 27th April, 1951, as amended from time to time, the Central Government hereby constitutes the Advisory Committee for the State of Andhra consisting of the following members, namely:—

- (1) Shri K. C. Madappa, IAS, Collector of Nellore—Chairman.
- (2) Shri K. Shanmugham, Member of the Andhra Legislative Assembly.
- (3) Shri O. Venkatachalam, Regional Labour Commissioner (Central), Madras, Representative of the Central Government.
- (4) Shri B. Ramachandra Reddi, M.P., representing mica mine owners of Andhra.
- (5) Shri T. Rami Reddi
- (6) Shri Vedagiri Subbaramiah, representing workmen employed in the mica mining industry.
- (7) Shrimati Eduri Dhanalakshamma.

2. The Central Government hereby appoints Shri B. Ramachandra Reddi as Vice-Chairman of the Advisory Committee.

[No. M-23(1)54.]

A. P. VEERA RAGHAVAN, Under Secy.

New Delhi, the 16th October 1954

S.R.O. 3234.—The following draft of certain rules which the Central Government proposes to make in exercise of the powers conferred by sub-sections (2), (3) and (4) of section 26, read with section 24, of the Payment of Wages Act 1936 (IV of 1936) and in supersession of the notification of the Government of India in the Ministry of Labour, No. Fac.52(5) dated the 15th July, 1949, is published as required by sub-section (5) of section 26 of the said Act for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the 15th January 1955.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

DRAFT RULES

1. *Short title and application.*—(1) These rules may be called the Payment of Wages (Mines) Rules, 1954.

(2) These rules apply in respect of the payment of wages to persons employed either by the owner or by a contractor engaged by the owner, in any mine to which the Mines Act, 1952 (XXXV of 1952), applies.

(3) They extend to the whole of India except the State of Jammu and Kashmir.

2. *Definitions.*—In these rules unless the context otherwise requires:—

- (a) "Act" means the Payment of Wages Act, 1936 (IV of 1936);
- (b) "Authority" means the Authority appointed under sub-section (1) of section 15.
- (c) "Contractor" means a person engaged under a contract by the owner of the mine for work on the mine and includes a sub-contractor;
- (d) "Court" means the court mentioned in sub-section (1) of section 17.
- (e) "Deduction for breach of contract" means a deduction made in accordance with the provisions of the proviso to sub-section (2) of section 9;
- (f) "Deductions for damage or loss" means a deduction made in accordance with the provisions of clause (c) of sub-section (2) of section 7;
- (g) "Employer" means the owner of the mine and includes the manager or any other person responsible under section 3 of the Act for the Payment of Wages, and a Contractor;
- (h) "Form" means a Form appended to these rules;

- (i) "gang" means a group of persons not exceeding eight related to one another by family ties or customary association working under a recognised 'headman';
- (j) "headman" means leader of a gang who apportions piece-work undertaken by the gang and distributes wages amongst his group as mutually agreed upon;
- (k) "Inspector" means an inspector authorised by or under section 14 of the Act;
- (l) "Mine" means a mine as defined in clause (j) of Section 2 of the Mines Act, 1952 (XXXV of 1952);
- (m) "Paymaster" means the employer or other person or persons who may be nominated as such by the employer under clause (b) of section 3 and includes a contractor;
- (n) "Person employed" does not include any person to the payment of whose wages the Act does not apply;
- (o) "section" means a section of the Act; and
- (p) words and expressions used in these rules and not defined but defined in the Act shall have the same meanings respectively assigned to them in the Act.

3. *Register of Fines.*—(1) In any mine where the employer has obtained approval under sub-section (1) of section 8 to a list of acts and omissions in respect of which fines may be imposed, the paymaster shall maintain a Register of Fines in Form I.

(2) At the beginning of the Register of Fines, there shall be entered serially numbered the approved purpose or purposes on which the amount of the fines realised are to be expended.

(3) When any disbursements are made from the amounts of the fines realised, a deduct entry of the amount so expended shall be made in the Register of Fines, and a voucher or receipt in respect of the amount shall be affixed to the Register. If more than one purpose has been approved the entry of the disbursement shall also indicate the purpose for which it is made.

4. *Register of deductions for damage or loss.*—In every mine in which deductions for damage or loss are made, the paymaster shall maintain the register required by sub-section (2) of section 10, in Form II.

5. *Register of Wages.*—A register of wages in Form III shall be maintained and kept at the workspot, by every employer in proof of payment of wages to the employees directly and individually or through a recognised headman in the case of a gang.

6. (1). *Maintenance of registers.*—A register required to be maintained under rules 3, 4, 5 or 19(3) shall be preserved for a period of three years.

(2) Every such register shall normally be maintained in English, but where it is maintained in any language other than English, a true translation thereof in English shall be available.

7. *Places for displaying notices.*—The Inspector shall specify such place or places in the mine as he thinks fit (hereinafter referred to as the "specified place or places") for the display of notices, lists and rules under rules 8, 12 and 16.

8. *Notice of dates of payment.*—(1) The paymaster shall display in a conspicuous place at or near the main entrance of the work place or places at the mine and at the specified place or places, a notice in English and in the language of the majority of the persons employed at such place or places showing:—(i) for not less than two months in advance the days on which wages are to be paid, (ii) the rates of wages and scales of allowances payable to persons employed in the mines concerned in Form VII.

(2) Copies of all such notices and alterations therein shall be sent to the Inspector.

9. *Prescribed authority.*—The Inspector shall be the prescribed authority competent to approve, under sub-section (1) of section 8, acts and omissions in respect of which fines may be imposed and, under sub-section (8) of section 8, the purposes to which the fines realised may be applied.

10. *Application in respect of fines.*—Every employer requiring the power to impose fines in respect of any acts and omissions on the part of employed persons shall send to the Inspector—

- (a) a list, in English, in duplicate, clearly defining such acts and omissions;
- (b) in cases where the employer himself does not intend to be the sole authority empowered to impose fines, a list, in duplicate, showing by virtue of office or otherwise, such members of his staff as may pass orders imposing fines and the class of establishment on which any such member may impose a fine.

11. *Approval of list of acts and omissions.*—The Inspector may, on receipt of the list prescribed by clause (a) of rule 10, and after such inquiry as he considers necessary, pass orders in respect of the said list either—

- (a) disapproving the list, or
- (b) approving the list in its original form or as amended by him, in which case such list shall be deemed to have been approved under sub-section (1) of section 8:

Provided that no order disapproving or amending the list shall be passed unless the employer shall have been given an opportunity of showing cause in writing against such order.

12. *Posting of the list.*—(a) The employer shall also display at or near the main entrance of the workplace or places at the mine and at the specified place or places, a list showing the name and complete address of the Inspector who exercises jurisdiction under the Act over that mine.

(b) The employer shall display at or near the main entrance of the workplace or places at the mine and at the specified place or places, a copy in English, together with a literal translation thereof, in the language of the majority of the persons employed at such mine or place of the list approved under rule 11.

13. *Persons authorised to impose fines.*—(1) No fine may be imposed upon a person employed in a mine by any person other than the employer or by a person included in the list referred to in sub-rule (b) of rule 10.

(2) In the case of persons employed by a contractor, no fines may be imposed by any person other than the contractor:

Provided that a contractor who runs more than one establishment in two or more localities, and who employs not less than 50 persons in one locality, may, with the approval of the Inspector, delegate his power to fine to his representative in that locality.

14. *Procedure in imposing fines and deductions.*—(1) No fine shall be imposed on, and no deductions shall be made from, the wages of any person employed in a mine except in accordance with the procedure laid down in the rules and regulations in force in the mine, and no fine shall be imposed or deduction made from the wages until the employed person has been given an opportunity in writing of showing cause against such imposition or deduction.

(2) No fine shall be imposed on and no deduction for damage or loss shall be made from, the wages of a person employed by a contractor until the person authorised to impose the fine or make the deductions has explained personally to the said person the act or omission, or damage or loss in respect of which the fine or deduction is proposed to be imposed or made and the amount of the fine or deduction, which it is proposed to impose or make and has heard his explanation in the presence of at least one other employed person.

15. *Information to the paymaster.*—The person imposing a fine or directing the making of a deduction for damage or loss shall (unless such person is the paymaster) at once inform the paymaster of all particulars necessary for the completion of the register prescribed by rule 3 or rule 4, as the case may be.

16. *Deductions under the proviso to sub-section (2) of Section 9.*—(1) No deduction under the proviso to sub-section (2) of section 9 shall be made from the wages of an employed person who is under the age of fifteen years or is a woman.

(2) No such deduction shall be made from the wages of any employed person unless—

- (a) there is a provision in writing in the terms of the contract of employment requiring him to give notice of the termination of his employment; and

- (i) the period of the notice does not exceed fifteen days or the wage period, whichever is less; and
- (ii) the period of the notice does not exceed the period of notice which the employer is required to give of the termination of the employment;
- (b) this rule has been displayed in English and in the language of the majority of the employed persons at or near the main entrance of the work place or places at the mine, and at the specified place or places concerned, and has been so displayed for not less than one month before the commencement of the absence in respect of which the deduction is made;
- (c) at least one week before such deduction is made a notice has been displayed at or near the main entrance of the work place or places at the mine, and at the specified place or places concerned, giving the names of the persons from whom deduction is proposed to be made, the number of days' wages to be deducted and the conditions (if any) on which the deduction will be remitted:

Provided that where the deduction is proposed to be made from all the persons employed in any department or section of the mine, it shall be sufficient, in lieu of giving the names of the persons in such department or section of the mine, to specify the department or section affected.

(3) No such deduction shall exceed the wages of the person employed for the period by which the notice of termination of service given falls short of the period of such notice required by the contract of employment.

(4) If any conditions have been specified in the notice displayed under clause (c) of sub-rule (2), no such deduction shall be made from any person who has complied with such conditions.

17. *Measurement of the amount of work done by piece workers.*—(1) In the case of piece-workers the surveyor who measures the work for such workers, shall at the time of measurement, hand over to the miners a statement in writing containing the measurement figures immediately after taking the measurements in the presence of the workers concerned. A record of measurement shall also be maintained in a measurement book of permanent nature and at the close of the wage period a list of measurements shall be written up under the signature or thumb impression of the workers and a copy thereof shall be given to the workers also. In case of disputes regarding measurements the surveyor shall, as far as possible, settle the dispute on the spot.

(2) All weights, measures and weighing machines which are used for checking or ascertaining the wages of employed persons shall be made available for examination to the Inspector, who may in the event of his not being satisfied with the correctness of the apparatus or the weights seal and prohibit their future use and report the matter immediately for necessary action to the appropriate authority responsible for the administration of the Measure of Weights Act, 1889 (II of 1889) and the Standards of Weights Act, 1939 (IX of 1939).

18. *Annual Return.*—Every employer shall send a return in Form IV so as to reach the Inspector not later than the 15th of May following the end of the year to which it relates.

19. *Advances to persons employed by an employer.*—(1) An advance of wages not already earned shall not ordinarily exceed the amount equal to two calendar months' wages of the employed person. In exceptional circumstances the amount of such advance may, with the previous sanction of the Inspector, be made to the extent of four calendar months' wages.

(2) The advance may be recovered in instalments by deduction from the wages spread over not more than twelve months in the case of an ordinary advance and twenty-four months in the case of an advance granted in exceptional circumstances. In no case shall the amount of an instalment exceed one-fourth of the wages earned in a wage period.

(3) The amount of all advances sanctioned and the repayments thereof shall be entered in a register in Form V which shall be maintained in English and in the language spoken by the majority of workers.

20. *Procedure, costs and court fees.*—The procedure to be followed by the authorities appointed under sub-section (1) of section 15 and the Courts mentioned in sub-section (1) of section 17 the scales of costs which may be allowed in, and the amount of court fees payable in respect of proceedings under the Act to which these rules apply shall be such procedure, scales and amounts as are.

from time to time prescribed by the State Government in the exercise of its powers under the Act in that behalf for the authority or court concerned.

21. *Abstracts.*—The abstracts of the Act and of the rules made thereunder to be displayed under section 25 shall be in Form VI.

22. *Penalties.*—A contravention of rule 3, 4, 5, 6, 8, 12, 15 or 18 shall be punishable with fine which may extend to two hundred rupees.

FORM I
[See rule 3(1)]
Register of Fines
Mine.....

S. No.	Name	Father's or hus- band's name	Occupation	Wages earned on the day	FINES			Rate of wages	Remarks
					Act or Omis- sion for which fine im- posed	Date and amount of fine	Date on which fine is realised		
I	2	3	4	5	6	7	8	9	10

FORM II
(See rule 4)

Register of deductions for damage or loss caused to the employer by the neglect or default of the employed persons

Mine.....

S. No.	Name	Father's or hus- band's name	Occupation and rate of wages	Damage or loss caused	Whether worker showed cause against deduction or not. If so, enter date	The name of the person in whose presence a workman's explanation is heard in respect of an em- ployee en- gaged by a contrac- tor	Date and am- ount of deduc- tion im- posed	No. of instal- ment if any	Date on which total amount realised	Remarks.
I	2	3	4	5	6	7	8	9	10	11

FORM III

(See rule 5)

Register of Wages

Entries are to be made against each individual worker. In the case of 'gangs' (at manganese mines), the names of the members of the gang shall be entered with the headman's name on top.

Entries for each category of workers to be made separately.

Serial	Number		Names *	Occupation	Days† worked. No. of units worked S:M:T; W Th: F; S: 1, 2, 3, 28, 29, 30, 31‡	Total	Wage Rate	Basic Wages	
	Identification number allotted by the Coal Mines Provident Fund Commissioner	Account						Ordinary	Special
1	2		3	4	5	6	7	8	9

Lead lift	Dear- ness		Other Cash pay- ments	To- tal am- ount earned	Workmen's contribution to Provident Fund	Employer's contribution to Provident Fund	Total reduct- tion made	Net am- ount payable	Signature or thumb im- pression or remarks§
10	11	12	13	14	15	16	17	18	19

* In the case of time-rated workers only attendance or absence should be marked.

† In the case of piece workers, the number of units worked should be entered e.g. tons, tubs khudis or gade of minerals raised or loaded.

‡ Days worked in the case of monthly paid workers.

§ If thumb impression is not taken, the signature of the person supervising the payment should be taken. In the case of gangs the headman shall obtain receipt of each adult member and a guardian of minor members of the gang for whatever amount is paid to them.

NOTE.— Columns not applicable to any particular mine may be left unfilled by the Employer.

FORM IV
(See rule 18)
(Deductions from Wages)
Annual Return

Return for the year ending 31st March 195

1. Name of the Mine and postal address.
2. Total* number of persons employed { Men
Women
3. Total wages paid { Men
Women
4. Number of cases and amounts realised as

	No. of cases	Amount
		Rs.
(a) Fine		
(b) Deductions for damage or loss		
(c) Deductions for breach of contract		

5. Disbursements from the fine fund—

	Amount	Purpose

* The total number of persons employed means the average daily number of persons employed obtained by dividing the aggregate number of attendances during the year by the number of working days.

Signature
Designation

Dated 195

FORM V
[See rule 19(3)]
Register of advances made to employed persons.

S. No.	Name	Father's name	Occupation	Earnings during a wage period	Date and amount of advance	Purpose (s) for which advance made	Number of instalments by which advance to be repaid	Amount of instalments repaid with dates of postponements granted	Date on which total amount paid	Signature or thumb impression of the worker or remarks
1	2	3	4	5	6	7	8	9	10	11

FORM VI

(See rule 21)

Abstract of the payment of Wages Act, 1936, and the rules made thereunder

Whom the Act affect

1. The Act applies to the payment of wages to persons in Mines receiving less than Rs. 200 a month.
2. No employed person can give up by contract or agreement his rights under the Act.

Definition of wages

3. "Wages" means all remuneration payable to an employed person on the fulfilment of his contract of employment.

It includes bonus and any sum payable for want of a proper notice of discharge.

It excludes:—

- (a) the value of house-accommodation, supply of light, water, medical attendance, or other amenity or of any service excluded by the Central Government;
- (b) the employer's contribution to a pension or provident fund;
- (c) travelling allowance or concession or other special expenses entailed by the employment;
- (d) any gratuity payable on discharge.

Responsibility for and method of payment

4. (a) The employer is responsible for the payment under the Act of wages to persons employed under him, and any contractor employing persons is responsible for payment to the persons he employs;

(b) The headman of any gang who apportions work between the members of the gang and receives payment on the output of the work of the members of his gang is responsible for the payment of wages to the individual members of the gang.

5. Wages-periods shall be fixed for the payment of wages at intervals not exceeding one month.

6. Wages shall be paid on a working day within 7 days of the end of the wage-period (or within 10 days if 1,000 or more persons are employed).

The wages of a person discharged shall be paid not later than the second working day after his discharge.

7. Payments in kind are prohibited.

Fines and deductions

8. No deductions shall be made from wages except those authorised under the Act (see paragraphs 9-15 below).

9. Fines can be imposed only for such acts and omissions as the employer may, with the previous approval of the Inspector, specify by a notice displayed at or near the main entrance of the work place or places at the mine and after giving the employed person an opportunity for explanation.

10. (a) Deductions for absence from duty can be made only on account of the absence of the employed person at times when he should be working and such deductions must not exceed an amount which is in the same proportion to his wages for the wage-period, as the time he was absent in that period is to the total time he should have been at work.

(b) If ten or more employed persons, acting in concert, absent themselves without reasonable cause and without due notice, the deduction for absence can include wages for eight days in lieu of notice, but:—

- (1) no deduction for breaking contract can be made from a person under 15 or a woman;

- (2) there must be a provision in writing which forms part of the contract of employment, requiring that a specific period of notice of intention to cease work not exceeding 15 days or the period of notice which the employer has to give to discharge a worker, must be given to the employer and that wages may be deducted in lieu of such notice;
 - (3) the above provision must be displayed at or near the main entrance of the work place or places at the mine or work place;
 - (4) no deduction of this nature can be made until a week's notice that this deduction is to be made has been posted at or near the main entrance of the work place or places at the mine or work place;
 - (5) no deduction must exceed the wages of the employed person for the period by which the notice he gives of leaving employment, is less than the notice he should have given under his contract.
11. Deductions can be made for damage to or loss of goods expressly entrusted to an employed person or for loss of money for which he is required to account, where such damage or loss is due to his neglect or default.
- Such deduction cannot exceed the amount of the damage or loss caused and can be made only after giving the employed person an opportunity for explanation.
12. Deductions can be made, equivalent to the value thereof, for house accommodation, amenities, or services (other than tools and raw material) supplied by the employer provided these are accepted by the employed person as a part of the terms of his employment and have in the case of amenities and services been authorised by order of the Central Government.
13. (a) Deductions can be made for the recovery of advances, or for adjustment of overpayment of wages.
- (b) Advances made before the employment began can only be recovered from the first payment of wages for a complete wage-period but no recovery can be made of advances given for travelling expenses before employment began.
- (c) Advances of unearned wages can be made at the paymaster's discretion during employment.
14. Deduction can be made for subscription to and for repayment of advances from any recognised provident fund.
15. Deductions can be made for payments to co-operative societies approved by the Central Government or to the postal insurance, subject to any conditions imposed by the Central Government.

Inspections

16. An Inspector can enter on any premises and can exercise powers of inspection (including examination of documents and taking of evidence) as he may deem necessary for carrying out the purposes of the Act.

Complaints of deductions or delays

17. (a) Where irregular deductions are made from wages, or delays in payment take place, an employed person can make an application in the prescribed form within 6 months to the Authority appointed by the State Government for the purpose. An application delayed beyond this period may be rejected unless sufficient cause for the delay is shown.
- (b) Any legal practitioner, official of a registered trade union, Inspector under the Act, or other person acting with the Authority can make the complaint on behalf of an employed person.
- (c) A single application may be presented by, or on behalf of any number of persons belonging to the same mine the payment of whose wages has been delayed.

Action by the Authority

18. The Authority may award compensation to the employed person in addition to ordering the payment of delayed wages or the refund of illegal deductions.

If a malicious or vexatious complaint is made, the Authority may impose a penalty not exceeding Rs. 50 on the applicant and order that it be paid to the employer.

Appeal against the Authority

19. An appeal in the prescribed form against a direction made by the Authority may be preferred within 30 days in Calcutta to the Court of Small Causes and elsewhere to the District Court—

- (a) by the employer if the total amount directed to be paid exceeds Rs. 300;
- (b) by an employed person, if the total amount of wages withheld from him or his co-workers, exceeds Rs. 50;
- (c) by a person directed to pay a penalty for a malicious or vexatious application.

Punishments for breaches of the Act

20. Anyone delaying the payment of wages beyond the due date, or making any unauthorised deduction from wages is liable to a fine upto Rs. 500, but only if prosecuted with the sanction of the Authority or the appellate Court.

21. The employer who,—

- (1) does not fix a wage-period, or
- (2) makes payment in kind, or
- (3) fails to display at or near the main entrance of the work place or places at the mine or work place this Abstract in English and in the language of the majority of the employed persons, or
- (4) breaks certain rules made under the Act, is liable to fine not exceeding Rs. 200.

A complaint to this effect can be made only by the Inspector or with his sanction.

FORM VII

(See rule 8)

Name of mine.....

Date from which wage rates
will be or are enforced.....

S. No.	Class of employees or description work.	Rate of Wages		Allowances, if any	Remarks
		Rs. A. P.	Particulars of unit e.g. per day per tub, etc.		
1	2	3	4	5	6

[No. Fac.49 (11).]

P. M. SUNDARAM, Dy. Secy.